

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 22, 2004**

AGENDA ITEM NO.: **5**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Proposed Sign Ordinance**

RECOMMENDATION: Adopt the proposed Sign Ordinance as amended by previous Council action.

SUMMARY: Upon the completion of the Comprehensive Plan, City Council directed staff to rewrite the City Sign Ordinance. Subsequently, staff formed a Sign Committee comprised of stakeholders in signage matters. The research and results of the Sign Committee were submitted to City Council at their work session on February 24, 2004.

Over the past four months, City Council has held five public work sessions to discuss the proposed sign ordinance. Information was provided in written and verbal format by the City Manager, the City Attorney, Planning staff, members of the Sign Committee, and various citizens. The City Manager maintained an issues list for City Council to discuss. Based on this list, several changes were made to the ordinance that had been approved by the Planning Commission. Attached, is the proposed ordinance as discussed and agreed upon by City Council at the final work session on June 17, 2004.

PRIOR ACTIONS:

- July 9, 2002: Staff presentation to City Council regarding Sign Ordinance; staff directed to revise Sign Ordinance;
- November 2003: Sign Committee formed; revisions to the Sign Ordinance are developed;
- January 28, 2004: Planning Commission work session to discuss proposed sign ordinance;
- February 18, 2004: Planning Commission approves proposed sign ordinance;
- February 24, March 31, April 21, April 27, and June 17, 2004: City Council work sessions regarding proposed Sign Ordinance;
- June 8, 2004: City Council public hearing regarding Sign Ordinance.

CONTACTS: Rachel Flynn – 455-3902 and Tom Martin – 455-3909

ATTACHMENTS: Proposed Sign Ordinance as revised at June 17 work session to reflect changes to the following sections: 3-3, 3-8, 35.1-26.2, 35.1-26.3, 35.1-26.4, 35.1-26.5, 35.1-26.8, 35.1-26.9, 35.1-26.10, 35.1-26.11, 35.1-26.12, 35.1-26.13 and 35.1-27,

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTIONS 3-3. CIVIC, ETC., SIGNS IN PUBLIC RIGHTS OF WAY, 3-5. SIGNS, BANNERS ACROSS STREETS, 35.1-11.12. TERMS BEGINNING WITH "S", 35.1-27. NONCONFORMING USES, 35.1-28. CONSERVATION USES (R-C), 35.1-29. LOW DENSITY RESIDENTIAL DISTRICTS (R-1) SINGLE FAMILY, 35.1-30. LOW-MEDIUM DENSITY RESIDENTIAL DISTRICTS (R-2) SINGLE FAMILY, 35.1-31. MEDIUM DENSITY RESIDENTIAL DISTRICTS (R-3) TWO FAMILY, 35.1-32. MEDIUM-HIGH DENSITY RESIDENTIAL DISTRICTS (R-4) MULTI-FAMILY, 35.1-33. HIGH DENSITY RESIDENTIAL DISTRICTS (R-5) MULTI-FAMILY, 35.1-34. LIMITED BUSINESS DISTRICTS (B-1), 35.1-35. LOCAL NEIGHBORHOOD BUSINESS DISTRICTS (B-2), 35.1-36. COMMUNITY BUSINESS DISTRICTS (B-3), 35.1-37. CENTRAL BUSINESS DISTRICT (B-4), 35.1-38. GENERAL BUSINESS DISTRICT (B-5), 35.1-38.1. RIVERFRONT BUSINESS DISTRICT (B-6), 35.1-39. RESTRICTED INDUSTRIAL DISTRICTS (I-1), 35.1-40. LIGHT INDUSTRIAL DISTRICTS (I-2), 35.1-41. HEAVY INDUSTRIAL DISTRICTS (I-3), 35.1-43.3. SCENIC CORRIDOR OVERLAY DISTRICT (SC), 35.1-43.7. PERMITTED USES IN TRADITIONAL NEIGHBORHOOD DEVELOPMENTS, 35.1-62. MOBILE HOME PARKS, AND 35.1-66. CLUBS AND FRATERNAL ORGANIZATIONS, OF THE CODE OF THE CITY OF LYNCHBURG, 1981; TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY REPEALING SECTIONS **3-8. REPLACEMENT OF BILLBOARDS**, 35.1-26. SIGNS AND 35.1-26.1. BILLBOARDS; AND, TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO NEW SECTIONS NUMBERED 35.1-26. SIGNS, 35.1-26.1. SEVERABILITY CLAUSE, 35.1-26.2. DEFINITIONS, 35.1-26.3. GENERAL REGULATIONS, 35.1-26.4. FLAGS, 35.1-26.5. TEMPORARY SIGNS, 35.1-26.6. POLITICAL SIGNS, 35.1-26.7. OPINION SIGNS, 35.1-26.8. SIGNS IN R-C, R-1, R-2, R-3 R-4, AND R-5 DISTRICTS, 35.1-26.9. SIGNS IN B-1 AND B-2 DISTRICTS, 35.1-26.10. SIGNS IN B-3 AND B-5 DISTRICTS, 35.1-26.11. SIGNS IN B-4 AND B-6 DISTRICTS, 35.1-26.12. SIGNS IN I-1 AND I-3 DISTRICTS, 35.1-26.13. BILLBOARDS, 35.1-26.14. SIGN APPLICATION AND PERMIT, 35.1-26.15. MAINTENANCE, AND 35.1-26.16. MODIFIED SIGNS, THE AMENDED, REPEALED AND NEW SECTIONS RELATING TO THE REGULATION OF SIGNS WITHIN THE CITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That in order to promote the public necessity, convenience, general welfare and good zoning practice Sections 3-3,3-5, 35.1-11.12, 35.1-27, 35.1-28, 35.1-29, 35.1-30, 35.1-31, 35.1-32, 35.1-33, 35.1-34, 35.1-35, 35.1-36, 35.1-37, 35.1-38, 35.1-38.1, 35.1-39, 35.1-40, 35.1-41, 35.1-43.3, 35.1-43.7, 35.1-62 and 35.1-66 of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows:

Sec. 3-3. Civic, etc., **Temporary** Signs in public rights-of-way.

Signs, banners, billboards and similar structures and objects directly relating to charitable, historical, religious or other civic services and nonprofit activities may be installed in the public rights-of-way upon a permit issued by the city manager.

The city hereby creates a limited public forum for the purpose of allowing charitable, civic, community service, religious and other similar organizations to display temporary signs, banners and similar structures and objects directly relating to community, charitable, historical, religious or other civic events, services and nonprofit activities in the public rights-of-way. Such signs may not exceed four (4) square feet in area or four (4) feet in height, may not obstruct the view of traffic signs or obstruct the view of any street or ally intersection and no more than one sign may be installed per street intersection. The streets division of the city's department of public works must be notified at least 3 days before the signs are installed of their location and size and length of display. Such signs must be removed within forty-eight (48) hours of the date of the advertised event or activity.

Except for the city, no one shall install any signs, banners, billboards or similar structures or objects in the public rights-of-way.

Sec. 3-5. Signs, banners across streets.

(a) The city hereby creates a limited public forum for the purpose of allowing organizations that are promoting community, charitable, historical, religious or other civic events and activities to display banners across certain duly designated public streets and sidewalks.

~~(a)~~ (b) No person shall erect or place any sign or banner of wood, cloth, metal or other material across any street or sidewalk in the city without obtaining a permit from the city's department of public works parks and recreation. The application for a permit shall include (i) the name, address and telephone number of the person requesting the permit (ii) the name and address of any organization or group the applicant is representing (iii) the type of community, charitable, religious or other civic event or activity that is being promoted (iv) the length of time the applicant wishes to display the banner (v) the size of the banner, the materials out of which the banner is constructed and the location where the banner is to be displayed and (vi) any information the parks and recreation department may deem reasonably necessary for the public health safety and welfare. The department of parks and recreation shall either issue or deny the permit within ten (10) days of receipt of the completed application. The permit shall contain such conditions as the department of public works parks and recreation deems necessary to protect the public health, safety and welfare and shall specify the period of time that the sign/banner may be erected. If two or more applications are submitted requesting a permit for a banner at the same time and location, the application first filed shall be granted if it meets the requirements of this section. The sign/banner shall be only for the purpose of advertising civic or public events to serve the community. The sign/banner shall not be closer than fifteen (15) feet to the street or sidewalk level. The applicant must execute an agreement holding the city harmless against all claims for personal injury or property damage resulting from the use of the public right-of-way and must furnish the city with a certificate of insurance with general liability and property damage coverage in such amount as shall be determined by the city's risk management coordinator and the certificate of insurance shall include the City of Lynchburg, its officers and employees as additional insureds. The applicant shall submit a letter from the persons or firm, which includes the address and phone number, that will be erecting and removing the sign/banner.

(c) Every person applying for a permit to erect a sign over any public street shall furnish the department of parks and recreation a certificate of insurance, on forms furnished by said division for the purpose, certifying that the owner or tenant of the building or premises on which the sign is to be erected has liability insurance for bodily injuries covering said sign in the amount of fifty thousand dollars (\$50,000) for each person and one hundred thousand dollars (\$100,000) for each accident. The certificate of insurance shall show the name of the insurance company, name of insured, address of insured, location of insured premises, insurance policy number, date insurance policy issued, expiration date of insurance policy, limits of policy, type of insurance, and a clause providing that in case of cancellation of insurance policy the city shall be given ten (10) days' notice prior to such cancellation.

~~(b)~~ (d) If the sign/banner is damaged or in need of repair and poses a threat to the safety of the general public the applicant will be notified and have two (2) business days to remove same. If the applicant fails to remove the sign/banner after the two (2) days notice the city will have the sign/banner removed at the expense of the applicant. When, in the opinion of the department of public works parks and recreation, the presence of the sign or banner results in a condition that creates an immediate and serious threat to the safety of the public, the department of public works parks and recreation may have the sign or banner removed without prior notice. The owner of the sign or banner shall be responsible for paying the costs of removal.

~~(e)~~ (e) If the applicant fails to remove the sign/banner after the event or upon expiration of the specified time period, whichever shall come first, the city shall have the sign/banner removed at the expense of the applicant.

(f) No permit shall be denied because of the content of the message of the banner. Any person or organization who is denied a permit may appeal the denial to the city manager or his designee, by filing with the city manager's office, within five (5) working days of the denial, a written notice of the appeal and the grounds therefore. The city manager, or his designee, shall act upon the appeal within five, working days, after its receipt. The decision of the city manager, or his designee, may be appealed to the circuit court of the City of Lynchburg, in accordance with the laws of the state.

~~(d)~~ (g) A violation of this section shall constitute a class 3 misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense.

Sec. 35.1-11.12. Terms beginning with "S".

Terms used in the zoning ordinance, when defined in this section, shall have the following meaning:

(a) Sanatorium or sanitarium: An institution for the treatment and care of the chronically ill or for patients requiring long-term therapy, rest and recuperation. Examples are institutions primarily for the treatment and care of mentally handicapped and mental patients, epileptics, alcoholics or drug addicts. (See also Section 35.1-11.8, Hospitals, Section 35.1-11.10, Nursing homes, and Section 35.1-11.10, Medical clinic).

(b) Sanitary or solid waste management facility: Any facility or zoning lot used for: (i) the disposal of solid waste materials by abandonment, discarding, dumping, reduction, burial, incineration or any other means, including accessory uses such as recycling, cogeneration, and methane recovery, or (ii) a transfer station for solid waste storage or collection at which solid waste is transferred from collection vehicles to haulage vehicles, including but not limited to trucks, trains, and tandem trailers, for transportation to a central solid waste management facility for disposal or resource recovery. This definition does not include transportable waste receptacles of commercial solid waste generated by establishments engaged in business operations other than manufacturing. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants, shopping centers, motels, hotels, multiple residences, picnic grounds and day-use recreation areas. This definition also does not include recycling bins, which are defined in Section 35.1-11.11.

(c) Sanitary or solid waste management facility, private: A sanitary or solid waste management facility that is not a public sanitary or solid waste management facility, and which is owned and operated by a private entity for the purpose of handling solid waste generated only by such private entity.

(d) Sanitary or solid waste management facility, public: A sanitary or solid waste management facility owned or operated by or on behalf of the City of Lynchburg or a regional solid waste management authority of which the City of Lynchburg is a member.

(e) School: An institution, including kindergartens providing full-time day instruction and a course of study which meets the requirements of the laws of the State of Virginia.

(f) Service station: See Section 35.1-11.2, Automobile service station.

(g) Setback: See Section 35.1-11.13, Yard.

(h) Sign: ~~(As defined in Sections 35.1-26 through 35.1-26.16) Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, or trademark), flag (including banner or pennant) or any other figure of similar character which is:~~

~~(1) A structure or any part thereof, or is attached to, painted on or in any other manner represented on a building or other structure.~~

~~(2) Used to announce, direct attention to or advertise.~~

~~(3) Visible from outside of building. A sign shall include writing, representation or other figure or similar character within a building only when illuminated or located in a window.~~

~~(4) Accessory to the other uses permitted on the zoning lot.~~

~~The following shall not be subject to the provisions of the zoning ordinance.~~

~~(1) Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices or warnings at railroad crossings.~~

~~(2) Memorial signs or tablets.~~

~~(i) Sign, business: An accessory sign which directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered upon the same zoning lot.~~

~~(j) Sign, flashing: Any illuminated sign which does not maintain, when in operation or use, a stationary light or constant intensity of color.~~

~~(k) Sign, illuminated: A sign designed to give forth any artificial light or reflect such light from an artificial source.~~

~~(l) Sign, surface area of: See Surface area.~~

~~(m) (i) Site plan review: See Section 35.1-14.~~

~~(n) (j) Solid waste: Any discarded material, including, but not limited to, garbage, trash, refuse, junk, debris, leaves, brush, land clearing debris, demolition materials, ash, sludge, spoil, used or waste oil, and machinery or vehicles or parts thereof.~~

~~(o) (k) Stable, riding: See Section 35.1-11.11, Riding stable.~~

~~(p) (l) Standard project flood limit (SPFL): That portion of land inside the floodplain that would be required to carry forty (40) per cent to sixty (60) per cent of the maximum probable flood, and normally could be expected to occur at a five hundred (500) year frequency.~~

~~(q) (m) Story: That part of a building between the surface of a floor (whether or not counted for purposes of computing floor area ratio) and the ceiling immediately above. However, a cellar is not a story.~~

~~(r) (n) Street: A street, highway, avenue, lane, marginal access street, service drive, alley, bridge, viaduct, or any segment thereof, lying within a public right-of-way at least twenty (20) feet in width.~~

~~(s) (o) Street, center line of: A line established as a center line of a street by any state, city or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map. If there is no official center line of a street, the center line shall be a line lying midway between the street or right-of-way lines thereof. Where street lines are indeterminate and a pavement or a traveled way exists, the center line shall be established by the department of public works or, in the absence of a determination by the department of public works, shall be assumed to be a line midway between the edges of such pavement or traveled way.~~

~~(t)~~ (p) Street line: A line defining the edge of a street right-of-way and separating the street from abutting property or lots. If, on the master plan of streets and highways duly adopted by the city, a street is scheduled for future widening, the proposed right-of-way line shown on the master plan shall be the street line.

~~(u)~~ (q) Street width: The distance between street lines, measured at right angles to the center line of the street.

~~(v)~~ (r) Structure: Anything constructed, set, placed or erected on the ground or attached to the ground including, but not limited to, buildings, factories, sheds, cabins, mobile homes and other similar items which shall be anchored and floodproofed within the flood plain.

~~(w)~~ (s) Subdivision: The division of any tract or parcel of land, including frontage along an existing street or highway, into two (2) or more zoning lots; or any improvement of land by two (2) or more principal buildings for the purpose, whether immediate or future, of building development for rental, lease or sale, which may include changes in street or lot lines; provided, however, that this definition of a subdivision shall not include the divisions of land into ten (10) acres or more for agricultural uses.

~~(x)~~ (t) Substantial improvement:

(1) Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) per cent of the market value of the structure either:

- a. before the improvement or repair is started; or
- b. if the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- a. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- b. any alteration of a structure listed on the national register of historic places or a state inventory of historic places.

(2) The repair, reconstruction or improvement of the streets, utilities and pads in a mobile home park or mobile home subdivision which equals or exceeds fifty (50) per cent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

~~(y)~~ Surface area (of a sign): The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, trim, embellishment or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In any event, the supports or uprights on which such sign is supported shall not be included in determining the surface area of a sign unless there is writing on such supports. For the purpose of computing surface area, a V-type or double-faced sign shall be considered a single structure; provided, that the interior angle does not exceed ninety (90) degrees.

~~(z)~~ (u) Swimming pool, commercial: A swimming pool and/or wading pool, including buildings necessary or incidental thereto, open to the general public and operated for profit.

~~(aa)~~ (v) Swimming pool, community: A swimming pool and/or wading pool, including buildings necessary or incidental thereto, operated by members of more than two (2) families for the benefit of such group and not open to the general public, whether incorporated or unincorporated, whether organized as a club or cooperative or association, providing that it is not organized for profit and that the right to use said pool is restricted to such families and their guests. A swimming pool and/or wading pool operated as part of a multiple dwelling is also a community swimming pool, providing that it is not operated for profit, and that the right to use said pool is restricted to tenants of the multiple dwelling and their guests.

~~(bb)~~ (w) Swimming pool, private: See Section 35.1-11.11, Private recreational facilities.

Sec. 35.1-27. Nonconforming uses.

(a) Legislative intent. In the placing of zoning district regulations in the city's land through ~~this~~ the zoning ordinance, there are a number of land uses and activities on the land which exist prior to the enactment of ~~this~~ the zoning ordinance and which do not conform to the regulations herein. These nonconforming uses are, in most cases, incompatible with their surrounding uses, since the objective of district regulations is to permit compatible uses. Therefore, some limitations on the continued operation of nonconforming uses is appropriate in the public interest. While they are generally permitted to remain, the regulations herein restrict their further intensification or expansion and provide for their prohibition, if they are discontinued for a two (2) year period of time.

(b) Continuing existing uses. Except as otherwise provided in ~~this article~~ the zoning ordinance, the lawfully permitted use of land, ~~or~~ or structures existing at the time of the adoption of ~~this~~ the zoning ordinance may be continued, although such use does not conform to the standards specified by this ordinance for the zone in which such land or building is located. Said uses shall be deemed nonconforming uses.

(c) Existing conditional uses. Any use lawfully existing at the time of the adoption of ~~this~~ the zoning ordinance, or of any amendment thereto, in the district in which such use is classified herein as a conditional use, shall continue as a conditional use in such **zone district**.

(d) Completion of buildings under construction. Any building, the construction of which has been started pursuant to plans on file with the division of inspections and for which a lawful building permit was issued before the effective date of ~~this~~ the zoning ordinance or of an amendment thereto, and the ground story framework of which, including the second tier of beams, has been completed within one (1) year after the adoption of this ordinance or amendment thereto, may be completed in accordance with said plans on file with the division of inspections; provided that such construction is diligently prosecuted and the building is completed within two (2) years of the adoption of ~~this~~ the zoning ordinance.

(e) Nonconforming use of land with minor improvements. Where no building is involved, the nonconforming use of land with minor improvements may be continued; provided, however:

(1) That no such nonconforming use shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of ~~this~~ the zoning ordinance, unless specifically allowed by other provisions in this ordinance.

(2) That no such nonconforming use be moved, in whole or in part, to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of the adoption of ~~this~~ the zoning ordinance.

(3) That if such nonconforming use of land, or any portion thereof, ceases for any reason for any continuous period of more than two (2) years or is changed to a conforming use, any future use of the land shall be in conformity with the provisions of ~~this~~ the zoning ordinance.

(4) That no nonconforming use of land shall be changed to another nonconforming use.

(f) Nonconforming use of buildings and structures.

(1) Enlargements or extensions. A building or a structure, the use of which does not conform to the use regulations for the district in which it is situated, shall not be enlarged, ~~or~~ extended, **reconstructed or structurally altered**, unless the use therein is changed to a conforming use or the use extended is a conforming use.

(2) Structural alterations. Such nonconforming building or structure shall not be **reconstructed or structurally altered**, unless such **reconstruction or** alterations are required by law; provided, however, that except in the case of billboards such maintenance and repair work as is required to keep a nonconforming building or structure in sound condition shall be **in conformance with section 33.1-3702 of the Code of Virginia permitted, limited to a maximum expenditure of ten per cent (10%) of current replacement costs within a period of twelve (12) months**. In the case of billboards, ~~any required maintenance or~~ any changes in the advertising message shall not be deemed an alteration.

(3) Change of use. If no structural alterations are made, any nonconforming use of a building **or structure** may, as a conditional use after public notice and hearing, be changed to another nonconforming use; provided that the planning commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally or more restrictive than the existing nonconforming use. In permitting such change, the planning commission may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

(4) Discontinuing, moving. If any nonconforming use of a building **or structure** ceases for any reason for a continuous period of more than two (2) years or is changed to a conforming use or if the building **or structure** in which such use is conducted or maintained is moved for any distance whatever, for any reason, then any future use of such building shall be in conformity with the standards specified by this ordinance for the district in which such building is located.

If any building **or structure** in which any nonconforming use is conducted or maintained is hereafter removed, the subsequent use of the land on which such building was located, and the subsequent use of any building **or structure** thereon, shall be in conformity with the standards specified by ~~this~~ the zoning ordinance for the district in which such land or building is located.

(g) Nonconformity, other than use. A building that is conforming in use, but which does not conform to the height, yard, land coverage, parking or loading requirements of ~~this~~ the zoning ordinance, shall not be considered to be nonconforming within the meaning of Section 35.1-27. However, no permit shall be issued that will result in the increase of any such nonconformity.

(h) Nonconforming signs. All signs ~~and billboards~~ which do not conform with any of the sign ~~and billboard~~ regulations of ~~this~~ the zoning ordinance, including regulations governing size, ~~setbacks,~~ height, installation location, and lighting, shall be deemed nonconforming and may be continued so long as the existing use continues and is not discontinued for more than two (2) years, and so long as the nonconforming sign is maintained in its then structural condition. Except As provided in Sections 35.1-26 through 35.1-26.16.3 (e) whenever a nonconforming sign is enlarged, extended, reconstructed or structurally altered it shall conform to the existing zoning regulations. However, a nonconforming sign may be re-faced without losing its nonconforming status. Whenever a nonconforming sign requires repairs in a dollar amount greater than fifty percent (50%) of the replacement cost of the entire sign such sign shall be brought into compliance with the existing zoning regulations. A nonconforming sign shall not be moved on the same lot or to any other lot ~~with which~~ is not properly zoned to permit such nonconforming sign.

~~(h)~~ (i) Restoration of damaged building and structures. If any nonconforming building or structure is damaged to an extent of more than fifty percent (50%) of the value of the structure above the foundation, as

determined by the division of inspections, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all the regulations of this zoning ordinance for the district in which it is located. If the structure is not restored, it must be removed at the owner's expense within sixty (60) days. Where the destruction of such nonconforming structure is less than fifty percent (50%), as described above, it may be restored in substantially the same location and the nonconforming use continued, ~~if so permitted by the planning commission after public notice and hearing; provided that the total cost of such restoration does not exceed the replacement value of the destroyed portion of the structure at the time of its destruction and, further provided, that such restoration is started within a period of six (6) months of such destruction and is diligently prosecuted to completion. Nothing in this the zoning ordinance shall prevent the strengthening or restoring to a safe condition of any wall declared to be unsafe by the division of inspections.~~

Sec. 35.1-28. Conservation district (R-C).

(a) Intent. This district is intended to provide for very low development densities in areas not served by city sewer and water supply systems, areas with soils unsuitable for development or areas which should be preserved in low densities for other aspects of the public welfare.

(b) Uses permitted by right. The following uses will be permitted by right, subject to the regulations of the zoning ordinance:

(1) Agriculture (general farming, dairy farming, livestock farming, forestry, horticulture and all uses commonly classed as agricultural). The raising of three (3) or more cattle, goats, horses or other farm animals, and/or five (5) or more poultry or game animals will be permitted on lots of ten (10) acres or more. Any structure for housing or feeding one (1) or more such animals must be at least two-hundred (200) feet from any street or lot line but shall not include any commercial poultry farm or hog farm, and provided further that livestock and poultry shall be kept within secure enclosures and shall not be allowed to roam at large.

(2) One (1) single-family dwelling on each lot [ten (10) acres minimum].

(3) Farm produce stands selling only products grown on the premises.

(4) Telecommunication facilities (see Article XI. Telecommunications towers and facilities).

(5) Truck gardens (commercial and noncommercial).

(c) Uses prohibited. No subdivision development shall be permitted and no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for any industrial, manufacturing, trade or commercial purposes except as provided in Section 35.1-27(e).

(d) Permitted accessory uses. The following accessory uses will be permitted in conservation districts subject to the regulations of Section 35.1-24 of the zoning ordinance:

(1) Home occupations, including any such occupation other than that of operating a beauty shop, barber shop, convalescent or nursing home, tourist home, massage or similar establishment offering services to the general public. Home occupations shall be carried on by a member of the family residing on the premises except that, in connection with the practice of a profession, one (1) person not residing in such dwelling unit may be employed. One (1) sign not exceeding one (1) square foot in area and fixed flat to the wall of the building shall be permitted for each street on which the lot abuts to identify the home occupation. No artificial lighting shall be used to illuminate the sign or exterior of the building, nor shall any display of products be made which will indicate from the exterior that the building is being used for any purpose other

than that of a dwelling. No mechanical equipment shall be used except such as is customary for purely domestic or household purposes.

(2) Garages for the use of occupants of the property for purposes incidental to the residential use of property owner.

(3) Private recreational facilities.

(4) Signs. ~~as follows:-~~ (As provided in Sections 35.1-26 through 35.1-26.16)

~~a. One (1) sign announcing a permitted home occupation will be permitted for each street on which the lot abuts. Each such sign shall not exceed one (1) square foot in area and no artificial lighting may be used to illuminate the sign or the exterior of the building except lights necessary to illuminate steps, walks or house numbers.~~

~~b. One (1) temporary sign not exceeding five (5) square feet in area may be erected on the property to be sold or rented. One (1) additional sign may be erected on the same property for each street on which the lot abuts. One (1) construction sign made of wood or metal not exceeding sixteen (16) square feet in area may be erected on the property on which the construction of a building has actually commenced. The sign shall be removed as soon as the building is substantially completed. The sign may be erected on the wall of a trailer, construction shed or on the ground. One (1) subdivision identification sign not exceeding thirty-two (32) square feet in area may be erected at each main street entrance to the subdivided property; provided not over two (2) signs shall be erected for any one (1) subdivision. These signs shall be removed upon completion of the sale of seventy-five (75) per cent of the lots in the subdivision. No electric or other luminous sign and no sign illuminated by a floodlight or other similar device shall be permitted. One (1) sign not to exceed four (4) square feet identifying a club, lodge or community center may be erected. Only shaded white light may be used to illuminate these signs.~~

~~c. Church bulletin boards and signs for the display of names of educational or other permitted institutions shall be permitted when such signs do not exceed an aggregate area of eighteen (18) square feet for each institution. Such signs may be illuminated only by shaded white lights.~~

(e) Uses permitted by conditional use permit. The following uses shall be permitted by conditional use permit under the regulations of Section 35.1-15 and Article X of the zoning ordinance:

- (1) Airports.
- (2) Antique stores.
- (3) Boardinghouse or lodging house (keeping of not more than one (1) non-transient boarder or roomer by a resident family).
- (4) Care centers.
- (5) Cemeteries.
- (6) Churches and other places of worship.
- (7) Clubs and fraternal organizations.
- (8) Community swimming pools.
- (9) Convents and monasteries.
- (10) Gate houses, guest houses, caretakers' cottages and other residential accommodations for servants or guests of a resident family.
- (11) Group homes.
- (12) Hospitals and sanitoriums.
- (13) Individual mobile homes.
- (14) Kennels and other small animal raising and boarding.
- (15) Mobile home parks.
- (16) Museums and art galleries.
- (17) Nursing homes.

- (18) Offices and research and development organizations.
- (19) Planned unit developments.
- (20) Police and fire stations.
- (21) Public and community recreation facilities.
- (22) Public utilities.
- (23) Riding academies and stables.
- (24) Schools and colleges.
- (25) Shooting ranges.
- (26) Telecommunication towers (see Article XI, Telecommunication towers and facilities).
- (27) Temporary fairs and carnivals.
- (28) Tourist homes or bed and breakfast.
- (29) Traditional neighborhood developments.
- (30) Trailer parks, campgrounds.

(f) Standards.

(1) Minimum lot size. The minimum lot size shall be ten (10) acres.

(2) Yards.

a. Front yards. A minimum setback of fifty (50) feet shall be provided from all lot lines and street rights-of-way. Where no right-of-way has been designated, the right-of-way line shall be assumed to be twenty-five (25) feet from the center line of the street.

b. Side yards. There shall be a side yard having a width of not less than fifty (50) feet on each side of the main building.

c. Rear yards. There shall be a rear yard having a depth of not less than fifty (50) feet.

(3) Area regulations. Each dwelling, together with its accessory buildings, hereafter erected shall be located on a lot having an area of not less than ten (10) acres with an average width of not less than one hundred fifty (150) feet at the required building line, street frontage at the street right-of-way line of not less than one hundred fifty (150) feet, and not less than five (5) acres per boarder; provided, however, that lots having less area or less width than herein required and of record at the time of the effective date of this section may be occupied by single-family dwellings only.

(4) Building height. In addition to the required minimum setback of fifty (50) feet, building heights shall not exceed one (1) foot of height for each two (2) feet of distance from the lot or street right-of-way line. No portion of any property may be divided from the zoning lot in the future in such a way as to bring the property into nonconformance with this regulation.

(5) Maximum ground coverage. The total ground area of all buildings and paved areas may not exceed ten (10) per cent of the area of the zoning lot.

(6) Parking requirements. Off-street parking and loading space shall be provided as required in Section 35.1-25 of the zoning ordinance.

Sec. 35.1-29. Low density residential districts (R-1), single-family.

(a) Intent. These districts are intended to provide for residential development at low densities, together with other compatible uses, in areas where streets and other services cannot support higher densities.

(b) Uses permitted by right. The following uses are permitted by right in low density residential districts:

(1) One (1) single-family detached dwelling on each lot.

(2) Two (2) family dwellings, in which the owner resides, provided there is but one (1) main entrance which is located in the front of the building and provided further, the building has no outside characteristics, such as outside stairs, other than those common to a single-family dwelling.

(3) Agriculture (see Section 35.1-28).

(4) Telecommunication facilities (see Article XI. Telecommunications towers and facilities).

(c) Prohibited uses. In any R-1 district no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for any industrial manufacturing, trade or commercial purposes.

(d) Permitted accessory uses. The following uses will be permitted as accessory uses in low density residential districts subject to the regulations of Section 35.1-24 of the zoning ordinance:

(1) Accessory uses and structures customarily incident to any use permitted by this section, such as a private garage on the same lot with the building or within or attached to the building to which it is accessory; a private stable, building, or structure in which livestock or other farm animals are kept or fed, provided such structure is located at least two hundred (200) feet from any street or lot line; and a non-commercial poultry house, provided such structure is located at least twenty (20) feet from any street or lot line and provided further that livestock and poultry shall be kept within secure enclosures and shall not be allowed to roam at large. No accessory building shall be occupied or rented as a private domicile, except when such building fronts on a street thirty (30) feet in width, or when such building has a perpetual unobstructed easement of access at least thirty (30) feet wide to such street. No accessory building shall be used for gain, nor shall any such building be constructed upon a lot until the construction of the main building has actually commenced and no accessory building shall be used unless the main building on a lot is completed and used.

(2) Home occupations (see Section 35.1-28).

(3) Private recreational facilities.

(e) Uses permitted by conditional use permit. The following uses shall be permitted by conditional use permit in low density residential districts subject to the regulations of Section 35.1-15 and Article X of the zoning ordinance:

(1) Boardinghouse or lodging house.

(2) Care centers.

(3) Cemeteries and columbariums.

(4) Churches and other places of worship, including parish houses and educational buildings.

(5) Clubs and fraternal organizations.

(6) Community swimming pools.

(7) Convents and monasteries.

(8) Dwellings of any building type not prohibited by city or state law, except individual mobile homes.

(9) Gate houses, guest houses, caretakers' cottages and other residential accommodations for servants or guests of a resident family.

(10) Group homes.

(11) Hospitals and sanitoriums.

(12) Mobile home parks.

(13) Museums and art galleries.

(14) Nursing homes.

- (15) Planned unit developments.
- (16) Public or community recreational facilities not operated for profit.
- (17) Public utilities.
- (18) Schools and colleges for general education.
- (19) Telecommunication towers (see Article XI, Telecommunication towers and facilities).
- (20) Tourist homes or bed and breakfast.
- (21) Traditional neighborhood developments.

(f) Standards. Buildings and structures in low density residential districts shall meet the following standards, except as specified in Article X of the zoning ordinance for conditional use permit:

	<u>R-1</u>
Maximum net density	
(dwellings per acre)	2.90
(dwelling units per acre)	5.8
Minimum front yard (feet)	40
Minimum side yard (feet)	15
Minimum rear yard (feet)	50
Minimum lot size (square feet)	15,000
Minimum street frontage at the street right-of-way line (feet)	100
Minimum lot width at building line (feet)	100
Maximum height (feet)	40
Maximum ground coverage (percent)	20.2

(1) Area regulations. Each dwelling, together with its accessory buildings, hereafter erected shall be located on a lot having an area of not less than fifteen thousand (15,000) square feet and not less than seven thousand five hundred (7,500) square feet per boarder; provided, however, that lots having less area or less width than herein required, and of record at the time of the effective date of this section on December 12, 1978, may be occupied by single-family dwellings only. Further, if a lot of record at the effective date of this section has less width than required, a new single-family dwelling or an addition to an existing single-family dwelling can be built and the side yard setback requirement can be reduced by fifty percent (50%) and the rear yard setback can be reduced by twenty-five percent (25%), provided the lot of record previously had a dwelling situated thereon.

(g) Signs. (As provided in Sections 35.1-26 through 35.1-26.16)

~~(1) One (1) sign announcing a permitted home occupation will be permitted for each street on which the lot abuts. Each such sign shall not exceed one (1) square foot in area and no artificial lighting may be used to illuminate the sign or the exterior of the building, except lights necessary to illuminate steps, walks or house numbers.~~

~~(2) One (1) temporary sign not exceeding five (5) square feet in area may be erected on the property to be sold or rented. One (1) additional sign may be erected on the same property for each street on which the lot abuts. One (1) construction sign made of wood or metal not exceeding sixteen (16) square feet in area may be erected on the property on which the construction of a building has actually commenced. The sign shall be removed as soon as the building is substantially completed. The sign may be erected on the wall of a trailer, construction shed or on the ground. One (1) subdivision identification sign not exceeding thirty-two (32) square feet in area may be erected at each main street entrance to the subdivided property; provided not over two (2) signs shall be erected for any one (1) subdivision. These signs shall be removed upon the completion of the sale of seventy-five (75) per cent of the lots in the subdivision. No electric or other luminous sign and no sign illuminated by a floodlight or other similar device shall be permitted. One (1) sign not to exceed four (4) square feet identifying a club, lodge or community center may be erected. Such signs may be illuminated only by shaded white lights.~~

~~(3) Church bulletin boards and signs for the display of names of educational or other permitted institutions shall be permitted when such signs do not exceed an aggregate area of eighteen (18) square feet for any one (1) institution. Only shaded white lights may be used for the illumination of this type of sign.~~

(h) Parking requirements. Off-street parking and loading space shall be provided as required in Section 35.1-25 of the zoning ordinance.

(1) Any owner of a travel trailer, boat and/or boat trailer, truck camper, inhabitable bus or recreational vehicle may park or store, but not inhabit, such equipment on any residential district or business B-1 or B-2 district providing such equipment is located behind the building line of the main structure on the property.

If any owner of a travel trailer, boat and/or boat trailer, truck camper, inhabitable bus or recreational vehicle cannot meet the conditions in item (1) above, such owner may apply to the board of zoning appeals for a variance for the parking or storing of such equipment.

Sec. 35.1-30. Low-medium density residential districts (R-2), single-family.

(a) Intent. These districts are intended to provide for residential development at low-medium densities, together with other compatible uses, in areas where streets and other services cannot support higher densities.

(b) Uses permitted by right. The following uses are permitted by right in low-medium density residential districts:

(1) One (1) single-family detached dwelling on each lot.

(2) Two (2) family dwellings, in which the owner resides, provided there is but one (1) main entrance which is located in the front of the building, and, provided further, the building has no outside characteristics, such as outside stairs, other than those common to a single-family dwelling.

(3) The office of an architect, draftsman, planner, attorney-at-law, physician, osteopath, healer, conveyancer, dentist, surveyor, professional engineer (civil, electrical, mechanical or other), public accountant, minister or teacher residing in the dwelling in which the office is located.

(4) Agriculture (see Section 35.1-28).

(c) Uses prohibited. In any R-2 district no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for any industrial, manufacturing, trade or commercial purposes.

(d) Permitted accessory uses. Uses permitted as accessory uses in low density residential districts shall be permitted in low-medium density residential districts subject to the regulations of Section 35.1-24 of this ordinance.

(e) Uses permitted by conditional use permit. The following uses shall be permitted by conditional use permit in low-medium density residential districts subject to the regulations of Section 35.1-15 and Article X of the zoning ordinance:

Uses permitted by conditional use permit in R-1, low density residential districts.

(f) Standards. Buildings and structures in low-medium density residential districts shall meet the following standards, except as specified in Article X of the zoning ordinance for conditional use permit:

	<u>R-2</u>
Maximum net density (dwellings per acre)	4.35
(dwelling units per acre)	8.7
Minimum front yard (feet)	40
Minimum side yard (feet)	8
Minimum rear yard (feet)	35
Minimum lot size (square feet)	10,000
Minimum street frontage at the street right-of-way line (feet)	75
Minimum lot width at building line (feet)	75
Maximum height (feet)	40
Maximum ground coverage (percent)	20.0

(1) Area regulations. Each dwelling, together with its accessory buildings, hereafter erected shall be located on a lot having an area of not less than ten thousand (10,000) square feet and not less than five thousand (5,000) square feet per boarder; provided, however, that lots having less area or less width than herein required, and of record at the time of the effective date of this section on December 12, 1978, may be occupied by single-family dwellings only. Further, if a lot of record at the effective date of this section has less width than required, a new single-family dwelling or an addition to an existing single-family dwelling could be built and the side yard setback requirement can be reduced by fifty percent (50%) and the rear yard setback can be reduced by twenty-five percent (25%), provided the lot of record previously had a dwelling situated thereon.

(g) Signs. (As provided in Sections 35.1-26 through 35.1-26.16)

~~(1) One (1) sign announcing a permitted home occupation will be permitted for each street on which the lot abuts. Each such sign shall not exceed one (1) square foot in area, and no artificial lighting may be used to illuminate the sign or the exterior of the building, except lights necessary to illuminate steps, walks or house numbers.~~

~~(2) One (1) temporary sign not exceeding five (5) square feet in area may be erected on the property to be sold or rented. One (1) additional sign may be erected on the same property for each street on which the lot abuts. One (1) construction sign made of wood or metal not exceeding sixteen (16) square feet in area may be erected on the property on which the construction of a building has actually commenced. The sign shall be removed as soon as the building is substantially completed. The sign may be erected on the wall of a trailer, construction shed or on the ground. One (1) subdivision identification sign not exceeding thirty-two (32) square feet in area may be erected at each main street entrance to the subdivided property; provided not over two (2) signs shall be erected for any one (1) subdivision. These signs shall be removed upon the completion of the sale of seventy-five per cent (75%) of the lots in the subdivision. No electric or other luminous sign, and no sign illuminated by a floodlight or other similar device, shall be permitted. One (1) sign not to exceed four (4) square feet identifying a club, lodge or community center may be erected. Such signs may be illuminated only by shaded white lights.~~

~~(3) Church bulletin boards and signs for the display of names of educational or other permitted institutions shall be permitted when such signs do not exceed an aggregate area of eighteen (18) square feet for any one (1) institution. Only shaded white lights may be used for the illumination of this type of sign.~~

(h) Parking requirements. Off-street parking and loading space shall be provided as required in Section 35.1-25 of the zoning ordinance.

(1) Any owner of a travel trailer, boat and/or boat trailer, truck camper, inhabitable bus or recreational vehicle may park or store but not inhabit such equipment in any residential district or business B-1 or B-2 district subject to the following conditions:

- a. It is located behind the building line of the main structure on the property.
- b. It is not over twenty-two (22) feet in length or eight (8) feet nine (9) inches in height.

If any owner of a travel trailer, boat and/or boat trailer, truck camper, inhabitable bus or recreational vehicle cannot meet the conditions in item a. above, such owner may apply to the board of zoning appeals for a variance for the parking or storing of such equipment.

Sec. 35.1-31. Medium residential districts (R-3), two (2) family density

(a) Intent. These districts are intended to provide for residential and other compatible uses at medium densities in areas with a high level of road access and other public and commercial services and with topography and soils suitable for such development.

(b) Prohibited uses. Within any medium density residential district (R-3). as indicated on the official zoning map, no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for any industrial, manufacturing, trade or commercial purposes.

(c) Uses permitted by right. The following uses will be permitted by right subject to the regulations of the zoning ordinance, including Section 35.1-14 "Site Plan Review:"

(1) Dwellings of any structure type not prohibited by city or state law, except individual mobile homes.

(2) Single-family dwellings.

(3) Two (2) family dwellings of all types.

(4) Public libraries, public museums and art galleries.

(5) The office of an architect, draftsman, planner, attorney-at-law, physician, osteopath, healer, conveyancer, dentist, surveyor, professional engineer (civil, electrical, mechanical or other), public accountant, minister or teacher residing in the dwelling or dwelling unit in which the office is located.

(6) Agriculture (see Section 35.1-28).

(d) Permitted accessory uses. The following uses will be permitted as accessories to principal permitted uses in medium density residential districts subject to the regulations of Section 35.1-24, "Accessory buildings and uses."

(1) Home occupations [see Section 35.1-28(d)].

(2) Garages for the use of occupants of the property.

(3) Private recreational facilities.

(e) Uses permitted by conditional use permit. The following uses shall be permitted in medium density residential districts as conditional use, subject to the regulations of Section 35.1-15 and Article X of the zoning ordinance:

(1) Uses permitted as conditional use in low and low-medium density residential districts except those uses that are permitted by right in medium density residential districts [see Section 35.1-31(c)].

(2) Off-street parking lots serving:

a. Permitted uses in medium density residential districts located within two hundred (200) feet of the lot to be used for off-street parking.

b. Commercial uses in a business district where the said commercial use is adjacent to the lot to be used for off-street parking.

(3) Schools for specific educational purposes such as for technical or vocational training; provided, all operations must be conducted within an enclosed building; and provided further, that all such buildings must be at least one hundred (100) feet from any adjoining property line or street.

(4) Townhouse units for sale (see Section 35.1-56).

(5) Rooming houses.

(f) Standards. Buildings and structures in medium density residential districts shall meet the following standards, except as specified for conditional permit uses in Article X of the zoning ordinance:

	<u>R-3</u>
Maximum net density	
(dwellings per acre)	5.45
(dwelling units per acre)	10.89
Minimum front yard (feet)	30
Minimum side yard (feet)	8
Minimum rear yard (feet)	30
Minimum lot size (square feet)	8,000
Minimum street frontage at the street right-of-way line (feet)	60
Minimum lot width at building line (feet)	60
Maximum ground coverage (percent)	30

Maximum height: the maximum within setback lines shall be forty (40) feet except that, where the lot size permits, maximum height shall be one-half (1/2) the distance to the nearest lot line.

(1) Area regulations. Each dwelling, boardinghouse or lodging house, together with its accessory buildings, shall be located on a lot having an area of not less than four thousand (4,000) square feet for each family unit, boarder, or roomer, except that the minimum area for any such lot shall be eight thousand (8,000) square on December 12, 1978 feet; provided, however, that a lot having less area or less width than herein required, and of record at the time of the effective date of this section on December 12, 1978, may be occupied by a single-family dwelling only. Further, if a lot of record at the effective date of this section has less width than required, a new single-family dwelling or an addition to an existing single-family dwelling could be built and the side yard setback requirement can be reduced by fifty percent (50%) and the rear yard setback can be reduced by twenty-five (25%), provided the lot of record previously had a dwelling situated thereon.

(2) Area regulations for townhouse units for sale. For applicable regulations see Section 35.1-56 of the zoning ordinance.

Townhouse units for sale in an R-3 district shall not exceed the maximum net density permitted in an R-3 district.

(g) Signs. (As provided in Sections 35.1-26 through 35.1-26.16)

~~(1) One (1) sign announcing a permitted home occupation will be permitted for each street on which the lot abuts. Each such sign shall not exceed one (1) square foot in area, and no artificial lighting may be used to illuminate the sign or the exterior of the building, except lights necessary to illuminate steps, walks or house numbers.~~

~~(2) One (1) temporary sign not exceeding five (5) square feet in area may be erected on the property to be sold or rented. One (1) additional sign may be erected on the same property for each street on which the lot abuts. One (1) construction sign made of wood or metal not exceeding sixteen (16) square feet in area may be erected on the property on which the construction of a building has actually commenced. The sign shall be removed as soon as the building is substantially completed. The sign may be erected on the wall of a trailer, construction shed or on the ground. One (1) subdivision identification sign not exceeding thirty-two (32) square feet in area may be erected at each main street entrance to the subdivided property; provided not over two (2) signs shall be erected for any one (1) subdivision. These signs shall be removed upon the completion of the sale of seventy-five per cent (75%) of the lots in the subdivision. No electric or other luminous sign, and no sign illuminated by a floodlight or other similar device shall be permitted. One (1) sign not to exceed four (4) square feet identifying a club, lodge or community center may be erected. Such signs may be illuminated only by shaded white lights.~~

~~(3) Church bulletin boards and signs for the display of names of educational or other permitted institutions shall be permitted when such signs do not exceed an aggregate area of eighteen (18) square feet for any one (1) institution. Only shaded white lights may be used for the illumination of this type of sign.~~

(h) Parking requirements. Off-street parking and loading space shall be provided as required in Section 35.1-25 of the zoning ordinance.

Sec. 35.1-32. Medium-high density residential districts (R-4), multi-family.

(a) Intent. These districts are to provide for residential and other compatible uses at medium-high densities in locations with a very high level of access and necessary services and near employment or with other characteristics making medium-high densities appropriate.

(b) Prohibited uses. Within any medium-high residential district (R-4), as indicated on the official zoning map, no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for any industrial, manufacturing, trade or commercial purposes.

(c) Uses permitted by right. Uses permitted by right in medium density residential districts, R-3, shall be permitted by right in medium-high density residential districts, under the regulations of Section 35.1-14 of the zoning ordinance.

Multifamily dwellings or apartment houses.

(d) Permitted accessory uses. Uses permitted as accessory uses in medium density residential districts shall be so permitted in medium-high density residential districts.

(e) Uses permitted by conditional use permit. The following uses shall be permitted by conditional use permit in medium-high density residential districts under the regulations of Section 35.1-15 and Article X of the zoning ordinance:

Uses permitted by conditional use permit in R-3, medium density residential districts, except those uses that are permitted by right in R-4, medium-high density residential districts, [see Section 35.1-32(c)].

(f) Standards. Buildings and structures in medium-high density residential districts shall meet the following standards, except as specified for conditional uses in Article X of the zoning ordinance:

	<u>R-4</u>
Maximum net density (dwellings per acre)	7.26
(dwelling units per acre)	21.78
Minimum front yard (feet)	30
Minimum side yard (feet)	8
Minimum rear yard (feet)	25
Minimum lot size (square feet)	6,000
Minimum street frontage at the street right-of-way line (feet)	50
Minimum lot width at building line (feet)	50
Maximum ground coverage (percent)	30

(1) Area regulations. Each dwelling, boardinghouse or lodging house, together with its accessory buildings, shall be located on a lot having an area of not less than two thousand (2,000) square feet for each family unit, boarder, or roomer, except that the minimum area for any such lot shall be six thousand (6,000) square feet; provided, however, that a lot having less area or less width than herein required, and of record at the time of the effective date of this section on December 12, 1978 may be occupied by a single-family dwelling only. Further, if a lot of record at the effective date of this section has less width than required, a new single-family dwelling or an addition to an existing single-family dwelling could be built and the side yard setback requirement can be reduced by fifty percent (50%) and the rear yard setback can be reduced by twenty-five percent (25%), provided the lot of record previously had a dwelling situated thereon.

(2) Area regulations for townhouse units for sale. For applicable regulations, see Section 35.1-56 of the zoning ordinance.

(g) Signs. (As provided in Sections 35.1-26 through 35.1-26.16)

~~(1) One (1) sign announcing a permitted home occupation will be permitted for each street on which the lot abuts. Each such sign shall not exceed one (1) square foot in area, and no artificial lighting may be used to illuminate the sign or the exterior of the building, except lights necessary to illuminate steps, walks or house numbers.~~

~~(2) One (1) sign advertising real estate, not to exceed thirty-two (32) square feet in area, may be erected only on the property to be sold or rented. One (1) additional sign may be erected on the same property for each street on which the lot abuts. These signs shall be removed immediately following the sale or rental of the property. One (1) construction sign, not exceeding thirty-two (32) square feet may be erected on each construction project. This sign shall not be erected until construction has actually begun and removed as soon as the building is substantially complete. One (1) sign not exceeding four (4) square feet identifying an apartment complex, club, lodge or community center may be erected on the property in relation to each street on which the property abuts.~~

~~(3) Church bulletin boards and signs for the display of names of educational or other permitted institutions shall be permitted when such signs do not exceed an aggregate area of eighteen (18) square feet for any one (1) institution. Only shaded white lights may be used for the illumination of this type of sign.~~

(h) Parking requirements. Off-street parking and loading space shall be provided as required in Section 35.1-25 of the zoning ordinance.

Sec. 35.1-33. High density residential districts (R-5), multi-family.

(a) Intent. These districts are to provide for residential and other compatible uses at high densities in locations with a very high level of access and necessary services and near employment or with other characteristics making high densities appropriate.

(b) Prohibited uses. Within any high density residential district (R-5), as indicated on the official zoning map, no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for any industrial, manufacturing, trade or commercial purposes.

(c) Uses permitted by right. Uses permitted by right in medium-high density residential districts, R-4, shall be permitted by right in high density residential districts, under the regulations of Section 35.1-14 of the zoning ordinance.

Multifamily dwellings or apartment houses.

(d) Permitted accessory uses. Uses permitted as accessory uses in medium-high density residential districts shall be so permitted in high density residential districts.

(e) Uses permitted by conditional use permit. The following uses shall be permitted by conditional use permit in high density residential districts under the regulations of Section 35.1-15 and Article X of the zoning ordinance:

Uses permitted by conditional use permit in R-4, medium-high density residential districts, except those uses that are permitted by right in R-5, high density residential districts.

(f) Standards. Business and structures in high density residential districts shall meet the following standards, except as specified for conditional uses in Article X of the zoning ordinance:

	<u>R-5</u>
Maximum net density	
(dwellings per acre)	7.26
(dwelling units per acre)	29.04
Minimum front yard (feet)	30
Minimum side yard (feet)	8
Minimum rear yard (feet)	25
Minimum lot size (square feet)	6,000
Minimum street frontage at the street right-of-way line (feet)	50
Minimum lot width at building line (feet)	50
Maximum ground coverage (percent)	30

(1) Area regulations. Each dwelling, boardinghouse or lodging house, together with its accessory buildings, shall be located on a lot having an area of not less than one thousand five hundred (1,500) square feet for each family unit, boarder, or roomer, except that the minimum area for any such lot shall be six thousand (6,000) square feet; provided, however, that a lot having less area or less width than herein required, and of record at the time of the effective date of this section on December 12, 1978 may be occupied by a single-family dwelling only. Further, if a lot of record at the effective date of this section has less width than required, a new single-family dwelling or an addition to an existing single-family dwelling could be built and the side yard setback requirement can be reduced by fifty percent (50%) and the rear setback can be reduced by twenty-five (25%), provided the lot of record previously had a dwelling situated thereon.

(2) Area Regulations for townhouse units for sale. For applicable regulations, see Section 35.1-56 of the zoning ordinance.

(g) Signs. (As provided in Sections 35.1-26 through 35.1-26.16)

~~(1) One (1) sign announcing a permitted home occupation will be permitted for each street on which the lot abuts. Each such sign shall not exceed one (1) square foot in area and no artificial lighting may be used to illuminate the sign or the exterior of the building, except lights necessary to illuminate steps, walks or house numbers.~~

~~(2) One (1) sign advertising real estate, not to exceed thirty-two (32) square feet in area, may be erected only on the property to be sold or rented. One (1) additional sign may be erected on the same property for each street on which the lot abuts. These signs shall be removed immediately following the sale or rental of the property. One (1) construction sign not exceeding thirty-two (32) square feet may be erected on each construction project. This sign shall not be erected until construction has actually begun and removed as soon as the building is substantially complete. One (1) sign not exceeding four (4) square feet identifying an apartment complex, club, lodge or community center may be erected on the property in relation to each street on which the property abuts.~~

~~(3) Church bulletin boards and signs for the display of names of educational or other permitted institutions shall be permitted when such signs do not exceed an aggregate area of eighteen (18) square feet for any one (1) institution. Only shaded white lights may be used for the illumination of this type of sign.~~

(h) Parking requirements. Off-street parking and loading space shall be provided as required in Section 35.1-25 of the zoning ordinance.

Sec. 35.1-34. Limited business districts (B-1).

(a) Intent. These districts are intended to provide for business uses which, if properly designed, are compatible with nearby residential areas because they generate a minimum of lights, noise and other nuisances. While they generate a moderate level of employee traffic, they do not involve the constant traffic flows characteristic of retail activities. These districts can provide a transition from retail districts and heavily travelled thoroughfares to residential areas.

(b) Prohibited uses. Within any business B-1 district, as indicated on the official zoning map, no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for any industrial or manufacturing purposes.

(c) Uses permitted by right. The following uses will be permitted by right subject to the regulations of the zoning ordinance, including those specific uses in Article X of the zoning ordinance:

- (1) Uses permitted by right and as regulated in the adjacent residential district of highest density.
- (2) Barber shops and beauty parlors.
- (3) Branch banks and branch offices of savings and loan associations, including incidental drive-in service windows for such types of businesses.
- (4) Boardinghouses or lodging houses.
- (5) Care centers.
- (6) Churches and other places of worship.
- (7) Clubs and fraternal organizations.
- (8) Computer centers.
- (9) Convalescent and nursing homes.
- (10) Convents and monasteries.
- (11) Dance studios.
- (12) Funeral homes and undertaking establishments.
- (13) Group homes.

- (14) Halls or theaters for music, drama, lectures or other civic or amateur presentations of the arts.
- (15) Libraries, museums and similar institutions of noncommercial nature.
- (16) Offices, provided that no merchandise, material or equipment is stored or kept on the premises, either inside or outside of the building, for sale, demonstration or repair.
- (17) Parking of passenger automobiles, not including trailers, trucks or buses, on open lots for transient occupancy, for which fees may be charged; however, automobile sales will not be permitted on such lots, nor shall any floodlights, or similar device, be used for illumination, except shaded lights sufficient for safety and illuminating only the lot itself may be used, provided, the source of light is not visible beyond the property line.
- (18) Police stations, fire stations and public offices providing decentralized services to surrounding residential areas.
- (19) Rooming houses.
- (20) Schools for general education that do not exceed a maximum enrollment of twenty-five (25) students.
- (21) Telecommunications towers and facilities (see Article XI. Telecommunications towers and facilities).
- (22) Telephone exchanges and dial centers.
- (23) Tourist homes or bed and breakfast.
- (24) Other uses determined by the city council to be of similar character to and compatible with the above uses.

(d) Permitted accessory uses. The following uses will be permitted as accessory to principal uses in limited commercial districts as regulated by Section 35.1-24 of the zoning ordinance.

- (1) Uses permitted and as regulated as accessory uses in the adjacent residential district of the highest density.
- (2) Off-street parking lots or structures under the regulations of Section 35.1-25 and Article X of the zoning ordinance.
- (3) Signs, as permitted herein.
- (4) Pharmacies within buildings and occupied by and incidental to medical and dental offices.
- (5) Food service facilities for the use of persons regularly employed in permitted uses, where such facilities are included within the building served.

(e) Uses permitted by conditional use permit. The following uses shall be permitted by conditional use permit in limited business districts (B-1) under the regulations of Section 35.1-15 and Article X of the zoning ordinance:

- (1) Cemeteries and columbariums
- (2) Cluster commercial development.
- (3) Hospitals and sanitoriums.
- (4) Public utilities.
- (5) Schools and colleges for general education with a total enrollment of over twenty-five (25) students.
- (6) Traditional neighborhood developments.

(f) Standards for the B-1, limited business district.

(1) General standards

	<u>B-1</u>
Minimum average lot area per establishment (square feet)	6,000
Minimum lot depth (feet)	100
Minimum front yard (feet)	20
Minimum side yard (feet)	8
Minimum side yard corner lot (feet)	10
Minimum rear yard (feet)	25

(2) Height regulations.

a. In any residential district or business district, buildings occupied as an apartment house, hotel, telephone exchange, club, public or semi-public building such as a church or other place of worship, school, library, hospital, may be erected to not more than one hundred twenty-five (125) feet in height; provided that the portion of such building more than forty (40) feet in height shall set back from the street, lot or required yard line, one (1) foot for each two (2) feet of such additional height.

b. The building height limitations of this section, except as provided in Article X of the zoning ordinance, shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, cooling towers, elevator bulkheads, fire towers, grain elevators, chimneys, flues, flag poles, radio and television towers, necessary mechanical appurtenances, nor to a parapet wall extending not more than four (4) feet above the limiting height of the building on which it rests. No tower permitted by this exception to the height limitation shall be used as a place of habitation or for tenant purposes. No sign, name plate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank or other structure which extends above the district height limitations.

(3) Area regulations. Each dwelling, boardinghouse, lodging house, convalescent and nursing home, tourist home and hotel, together with their accessory buildings, shall be located on a lot having an area of not less than one thousand (1,000) square feet for each family unit, except that the minimum area for any such lot shall be six thousand (6,000) square feet, and the minimum width fifty (50) feet; provided, however, that a lot having less area, or less width, than herein required, and of record at the time of the effective date of this section, may be occupied by a single-family dwelling only.

Note 1. Where there are existing buildings in a block, the required front yard shall be the same depth as the average established for such existing buildings, provided that no front yard shall be required to exceed forty (40) feet in depth.

Note 2. These standards need not necessarily apply in planned unit developments.

~~(g) Signs. (As provided in Sections 35.1-26 through 35.1-26.16) (accessory uses). Exterior signs pertaining only to the uses conducted on the premises, but not including any projecting signs, roof signs or billboards, will be permitted, subject to the following conditions:~~

~~(1) Wall signs shall face only upon a principal street or an abutting parking lot, or where located on a corner lot, may face upon a side street. The aggregate face area of all signs on any one (1) wall of the building shall not exceed forty (40) square feet.~~

~~(2) One (1) free-standing sign, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign does not extend beyond the lot line nor shall such sign be located closer to the front property line than two (2) feet. Such sign shall be limited to two (2) faces, each of which shall not exceed forty (40) square feet in area. The overall height of any such sign shall not exceed fifteen (15) feet above the ground.~~

~~(3) When a group of buildings are coordinated into a business or shopping area, one (1) free-standing sign, permanently fixed to the ground and designed to identify the area as a whole, may be erected on each street on which the area abuts, provided such sign shall not extend beyond the lot line. Such sign shall be limited to two (2) faces each of which shall not exceed forty (40) square feet in area for the first business tenant, but may be increased incrementally by nine (9) square feet for each additional business tenant up to a maximum of seventy-two (72) square feet. The overall height of any such sign shall not exceed fifteen (15) feet above the ground.~~

~~(4) The provisions of this section do not apply to signs on the inside of buildings.~~

~~(5) One (1) sign advertising real estate, not to exceed thirty-two (32) square feet in area, may be erected only on the property to be sold or rented. One (1) additional sign may be erected on the same property for each street on which the lot abuts. These signs shall be removed immediately following the sale or rental of the property. One (1) construction sign, not exceeding thirty-two (32) square feet may be erected on each construction project. This sign shall not be erected until construction has actually begun and shall be removed as soon as the building is substantially complete.~~

~~(6) Sign illumination. When any sign is lighted in this district, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign simulating movement shall be permitted, except signs indicating time and/or temperature or similar signs erected for the convenience of the public. No fluorescent paint or other preparation can be used for high reflection.~~

(h) Parking requirements. Off-street parking and loading space shall be provided as required in Section 35.1-25 of the zoning ordinance.

Sec. 35.1-35. Local neighborhood business districts (B-2).

(a) Intent. These districts are to provide for commercial and other services for their immediate area. Uses permitted are those providing merchandise or services needed frequently by occupants of residential areas.

(b) Special regulations. The following special regulations shall apply in local neighborhood business districts:

- (1) No B-2 district shall exceed a total of two (2) acres of net area.
- (2) No B-2 district shall be established or extended unless it is adjacent to or at least one (1) mile from any other B-2, B-3 or B-4 district.
- (3) Boundaries of a B-2 district adjacent to a residential district shall be provided with a buffer according to the regulations of Section 35.1-23 of this ordinance.

(c) Prohibited uses. Within any business B-2 district, as indicated on the official zoning map, no lot, building or structure shall be used and no building shall be erected which is intended or designed to be used in whole or in part for any industrial or manufacturing purpose.

(d) Uses permitted by right. The following uses will be permitted by right in local neighborhood business districts under the regulations of Section 35.1-14 of this ordinance:

- (1) Uses permitted by right in R-1 through B-1 districts and as regulated in the adjacent residential district of the highest density.
- (2) Establishments selling the following types of merchandise at retail wholly within an enclosed building:

Bakery goods
Confectionery goods
Antiques and gifts
Delicatessen goods
Drugs, pharmaceuticals and cosmetics
Books, magazines and stationery
Flowers and other plants
Food
Hardware
Variety goods

(3) The following types of service establishments:

Barber and beauty shops

Laundries and dry cleaning establishments: self-service and pick-up and delivery, but without laundry and dry cleaning equipment except coin-operated self-service machines

Custom dressmaking

Shoe repairing, with customary sales of related merchandise

Tailoring shops

Branches of banks and savings and loans institutions

Medical, dental and other professional offices, restaurants, completely enclosed within a building.

(4) Other uses determined by the city council to be of similar character to and compatible with the above uses.

(e) Permitted accessory uses. The following shall be permitted as accessories to permitted principal uses in local neighborhood commercial B-2 districts:

(1) Accessory uses permitted in the adjacent residential district of highest permitted densities.

(2) Off-street parking lots as regulated in Section 35.1-25 of this ordinance.

(f) Uses permitted by conditional use permit. The following uses shall be permitted in local neighborhood business districts as conditional use under the regulations of Section 35.1-15 and Article X of this ordinance:

(1) Uses permitted as conditional use permits in the B-1 districts and as regulated in the adjacent residential district of the highest density.

(2) Outdoor restaurants.

(3) Schools and colleges for general education with a total enrollment over fifty (50) students.

(g) Standards. The following dimensional standards shall apply within the B-2 business district:

(1) General standards

Minimum average lot area per establishment (square feet)	<u>B-2</u> 6,000
Minimum lot depth (feet)	100

(2) Yard regulations.

a. When a lot in any B-2 district is used, in whole or in part, for residential purposes the yard requirements shall be the same as those in the R-5 residential district Section 35.1-33.

b. Front yards.

1. Where all of the lots contained within a block are in a business B-2 district, there shall be a front yard having a depth of not less than twenty (20) feet; provided that if the natural slope of the ground contained within a block is such that the average difference in elevation between the sidewalk grade and the grade at the setback line is greater than five (5) feet, whether there be buildings in such block or not, the setback line may be established at a distance back where such difference in elevation is five (5) feet, but in no case shall the depth of the front yard be less than fifteen (15) feet.

2. Where the lots contained within a block are partly in this district and partly in another district in which a greater front yard is required, the front yard requirements of the latter district shall apply to the entire street frontage in both districts, or twenty (20) feet, whichever distance is the greater.

3. Where there are existing buildings in a block, the required front yard shall be the same depth as the average established for such existing buildings; provided that no front yard shall be required to exceed forty (40) feet in depth. Provided, further, that in any B-2 business district, when as of the time of passage of this ordinance more than twenty-five (25) per cent of the street frontage on one (1) side of the street is occupied by business buildings, only the setback observed by such buildings shall be considered in establishing the average, and the setback line observed by gasoline service stations shall not be a factor in calculating the average setback line.

4. Interior lots having a frontage on two (2) streets shall have a front yard on each street as provided in a., b. and c. above.

5. Corner lots: Where front yards have been established, or may be required, within a block, on each of two (2) intersecting streets; there shall be a side yard, for the full depth of the lot, abutting the side street of a corner lot, and equal in depth to such established or required front yards on the side street. No accessory building shall project into the required front or side yard abutting either street, nor be located in any rear yard which may extend in front of the required setback line on the side street.

c. Side yards. For corner lots, when a side yard is not required along the side street, there shall be a side yard ten (10) feet in width along such street. For all other lots, no side yard is required except where a business B-2 district abuts a residential district, in which case the yard required on the abutting side shall be the same as that required in the residential district.

d. Rear yards. No rear yard is required except where a business B-2 district abuts a residential district, in which case the yard so abutting shall be the same as the side yard requirement in the residential district.

(3) Height regulations. Building height regulations shall be the same as those in the B-1 district, Section 35.1-34.

(4) Area regulations. Each dwelling, boardinghouse, lodging house, convalescent and nursing home, tourist home and hotel, together with their accessory buildings, shall be located on a lot having an area of not less than one thousand (1,000) square feet for each family unit, except that the minimum area for any such lot shall be six thousand (6,000) square feet, and the minimum width fifty (50) feet; provided, however, that a lot having less area, or less width, than herein required, and of record at the time of the effective date of this section, may be occupied by a single-family dwelling only.

Note 1. These standards need not necessarily apply in planned unit developments.

~~(h) Signs. (As provided in Sections 35.1-26 through 35.1-26.16) (accessory uses). Signs permitted in medium-high density residential districts and exterior signs pertaining only to the uses conducted on the premises, but not including any projecting signs, roof signs or billboards, will be permitted, subject to the following conditions:~~

~~(1) Wall signs shall face only upon a principal street or an abutting parking lot or when located on a corner lot may face upon a side street if located within fifty (50) feet of the principal street. The aggregate face area of all signs on any one (1) wall of a building shall not exceed twenty-five (25) square feet plus one (1) square foot for each lineal foot of such wall, but not to exceed a maximum of one hundred (100) square feet.~~

~~(2) One (1) free-standing sign, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign does not extend beyond the lot line nor shall such sign be located closer to the front property line than two (2) feet. Such sign shall be limited to two (2) faces, each of which shall not exceed sixty (60) square feet in area. The overall height of any such sign shall not exceed fifteen (15) feet above the ground.~~

~~(3) When a group of buildings are coordinated into a business or shopping area, one (1) free-standing sign, permanently fixed to the ground and designed to identify the area as a whole, may be erected on each street on which the area abuts, provided such signs shall not extend beyond the lot line. Such sign shall be limited to two (2) faces each of which shall not exceed sixty (60) square feet in area for the first business tenant, but may be increased incrementally by twelve (12) square feet for each additional business tenant up to a maximum of one hundred eight (108) square feet. The overall height of any such sign shall not exceed fifteen (15) feet above the ground.~~

~~(4) Signs composed of separate letters identifying a business establishment may be individually mounted on the top side of a marquee serving the establishment; provided no letter shall exceed twenty-four (24) inches in height.~~

~~(5) Except for signs permitted on a marquee, no sign shall project more than fifteen (15) inches beyond the face of the building, nor shall any sign project above the parapet wall of the building.~~

~~(6) The provisions of this section do not apply to signs on the inside of buildings.~~

~~(7) One (1) sign advertising real estate, not to exceed thirty-two (32) square feet in area, may be erected only on the property to be sold or rented. One (1) additional sign may be erected on the same property for each street on which the lot abuts. These signs shall be removed immediately following the sale or rental of the property. One (1) construction sign, not exceeding thirty-two (32) square feet may be erected on each construction project. This sign shall not be erected until construction has actually begun and shall be removed as soon as the building is substantially complete.~~

~~(8) Additional temporary signs may be permitted as regulated by Section 35.1-26(d).~~

~~(9) Sign illumination. When any sign is lighted in this district, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign, nor any sign simulating movement shall be permitted, except signs indicating time and/or temperature or similar signs erected for the convenience of the public. No fluorescent paint or other preparation can be used for high reflection.~~

(i) Parking requirements. Off-street parking and loading shall be provided as required in Section 35.1-25 of this ordinance.

Sec. 35.1-36. Community business districts (B-3).

(a) Intent. These districts are to provide for commercial and other services for large sections of the city. They will include a wide range of business uses and other uses compatible with a moderate-sized business area, at densities lower than those permitted in the central business area. New districts of this type will be strongly encouraged to develop as fully planned entities.

(b) Prohibited uses. Within any business B-3 district, as indicated on the official zoning map, no lot, building or structure shall be used and no building shall be erected which is intended or designed to be used in whole or in part for any industrial or manufacturing purpose.

(c) Uses permitted by right. The following uses will be permitted by right in community business districts under the regulations of Section 35.1-14 of the zoning ordinance:

(1) Uses permitted by right or by conditional use permit in the R-1 through B-2 districts, except a PUD, a CCD, a TND, or uses specifically listed as requiring a conditional use permit in the B-3 district.

(2) Establishments selling the following types of merchandise at retail:

Household appliances
Art works
Art supplies
Bakery goods
Bicycles
Business machines
Carpets and rugs
Clothing and accessories
Dry goods
Furniture
Garden and farm supplies
Greenhouses, nurseries and garden supply establishments
Jewelry
Luggage
Musical equipment and supplies
Orthopedic appliances
Optical goods
Paint
Pets
Radios, television sets and phonographs
Phonograph records
Photographic equipment
Sporting goods, toys and games
Supermarkets or food stores exceeding eight thousand (8,000) square feet in total floor area
Virginia A.B.C. package stores
Hotels and motels

(3) Services listed below:

Auditoriums, limited to a maximum capacity of one thousand (1,000) persons
Automobile driving schools
Banquet halls
Bicycle rentals
Blueprinting, duplicating and printing shops limited to a maximum of five thousand (5,000) square feet of floorspace
Business services not involving large mechanical devices schools and colleges of all types (including vocational schools) that do not exceed a maximum enrollment of one hundred (100) students
Public and commercial parking lots and parking garages for automobiles only
Dance studios
Funeral undertakers
Interior decorating establishments
Medical and dental laboratories
Loan offices
Locksmith shops
Opticians and optometrists
Pawn shops
Photographic studios
Stage and motion-picture theaters
Travel bureaus
Gymnasiums and health salons

- (4) Banks, savings and loan, and similar establishments.
- (5) Wholesale sales establishments with storage limited to a maximum area of one thousand (1,000) square feet.
- (6) Radio and television studios and stations, without towers, provided that studios produce no exterior electromagnetic effect and are soundproofed from adjoining properties.
- (7) Restaurants, including drive-in and outdoor restaurants.
- (8) Other uses determined by the city council to be similar to and compatible with the above uses.

(d) Permitted accessory uses. The following shall be permitted as accessories to permitted principal uses in community business districts:

- (1) Accessory uses permitted in the B-1 and B-2 districts (except those uses customarily permitted only as accessories to residential uses) shall be permitted in B-3 districts only as accessories to residential uses permitted and regulated herein as conditional use permit.
- (2) Dance floors, accessory to restaurants.
- (3) Other uses determined by the city council to be customary as accessories to uses permitted in this district.

(e) Uses permitted by conditional use permit. The following uses shall be permitted in community business districts as conditional use under the regulations of Section 35.1-15 and Article X of the zoning ordinance:

- (1) Residential uses, when part of a multi-use development on a minimum lot size of ten (10) acres.
- (2) Automobile service stations.
- (3) Arts and crafts shops.
- (4) Arenas and auditoriums limited to a maximum capacity of two thousand five hundred (2,500) persons.
- (5) Temporary fairs, exhibitions and circuses.
- (6) Veterinarian hospitals without outdoor kennels, including facilities for the sale and care of animals normally kept as pets but not farm animals.
- (7) Automobile and trailer rentals.
- (8) Commercial recreation places such as dancing, bowling, billiards and the like, when located within enclosed buildings.
- (9) Cluster commercial development.
- (10) Schools and colleges of all types exceeding a maximum enrollment of one hundred (100) students.
- (11) Traditional neighborhood developments.

(f) Standards. The following dimensional standards shall apply within the B-3 business district:

(1) General standards	<u>B-3</u>
Minimum average lot area per establishment (square feet)	6,000
Minimum lot depth (feet)	100

(2) Yard regulations. The requirements for yards shall be the same as that for business B-2 districts, Section 35.1-35.

(3) Height regulations. The height requirements shall be the same as that for business B-2 districts, Section 35.1-35.

(4) Area regulations. The area requirements shall be the same as those for business B-2 districts, Section 35.1-35.

Note 1. These standards need not necessarily apply in planned unit developments.

(g) Signs. ~~(As provided in Sections 35.1-26 through 35.1-26.16) (accessory uses). Signs as permitted in the medium-high density residential district and exterior signs pertaining only to the uses conducted on the premises, but not including any projecting signs, roof signs or billboards, will be permitted, subject to the following conditions:~~

~~(1) Wall signs shall face only upon a principal street or an abutting parking lot, or where located on a corner lot, may face upon a side street. The aggregate face area of all signs on any one (1) wall of the building shall not exceed fifty (50) square feet plus two (2) square feet for each lineal foot of such wall.~~

~~(2) One (1) free-standing sign, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign does not extend beyond the lot line. Such sign shall be limited to two (2) faces, each of which shall not exceed one hundred (100) square feet in area. The overall height of any such sign shall not exceed twenty-four (24) feet above the ground.~~

~~(3) When a group of buildings are coordinated into a business or shopping area, one (1) free-standing sign, permanently fixed to the ground, designed to identify the area as a whole may be erected on each street on which the area abuts, provided such sign shall not extend beyond the lot line. Such sign shall be limited to two (2) faces, each of which shall not exceed one hundred fifty (150) square feet in area. The overall height of any such sign shall not exceed twenty-four (24) feet above the ground.~~

~~(4) Signs composed of separate letters identifying a business establishment may be individually mounted either on the top side of a marquee serving the establishment or on the top of an exterior wall of the building, provided no letter shall exceed twenty-four (24) inches in height.~~

~~(5) One (1) two-faced sign shall be permitted on the underside of each marquee; provided there shall be at least an eight (8) foot vertical clearance between the walkway and the lowest point of a sign. The sign may extend the full width of the marquee and shall be located at the center line or at the main entrance of the business establishment. The sign shall be twelve (12) inches high and erected perpendicular to the face of the building.~~

~~(6) No sign shall project more than fifteen (15) inches beyond the face of a building, nor shall any sign project above the parapet wall of the building, except signs indicating time and/or temperature may project not more than five (5) feet beyond the face of the building, provided there is no advertisement or firm name used in connection with such signs, and except for signs permitted on a marquee and on top of exterior walls.~~

~~(7) The provisions of this section do not apply to signs on the inside of buildings, nor to small signs on outdoor merchandise display racks, cases and vending devices.~~

~~(8) One (1) sign advertising real estate, not to exceed thirty-two (32) square feet in area, may be erected only on the property to be sold or rented. One (1) additional sign may be erected on the same property for each street on which the lot abuts. These signs shall be removed immediately following the sale or rental of the property. One (1) construction sign, not exceeding thirty-two (32) square feet may be erected on each construction project. This sign shall not be erected until construction has actually begun and shall be removed as soon as the building is substantially complete.~~

~~(9) Traffic direction signs, each not exceeding four (4) square feet in area, and four (4) feet in height may be displayed on any lot zoned as community business (B-3) as follows: Signs identifying vehicular entrance to and exit from the lot and signs of the type generally used for traffic control necessary for the safe and proper control of vehicular and pedestrian traffic within the lot; provided that such signs and number are approved by the city.~~

~~(10) Additional temporary signs may be permitted as regulated by Section 35.1-26(d).~~

~~(11) Sign illumination. When any sign is lighted in this district, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on and off) sign, nor any sign simulating movement shall be permitted, except signs indicating time and/or temperature~~

~~or similar signs erected for the convenience of the public. No fluorescent paint or other preparation can be used for high reflection.~~

(h) Parking requirements. Off-street parking and loading space shall be provided as required in Section 35.1-25 of the zoning ordinance.

Sec. 35.1-37. Central business district (B-4).

(a) Intent. This district is to provide for a wide range of commercial and other sales and service operations, serving the entire metropolitan area. This district is specifically aimed at the encouragement of limited multi-family residences, business and related activities of relatively high densities and with adequate services in the old central business district of Lynchburg.

(b) Design review. In order to retain the architectural integrity of the riverfront/downtown area, the area included in the boundaries of the B-4 district shall be designated as a historic district advisory area. Such designation requires that any exterior alterations within the area, including demolitions, new construction, and exterior alterations to existing structures, shall be subject to review by the design review board for conformity with the commercial historic district design guidelines: downtown Lynchburg. The review shall be conducted as a public meeting with the opportunity for public comment including written notice to property owners within two hundred (200) feet of the subject property. While the recommendations resulting from the design review stipulated by this section are offered in only an advisory capacity, developers are encouraged to comply with such recommendations.

The cost of such public meeting review shall include a fee for notification by first class mail to all required recipients at the standard postal rate as determined by the United States Postal Service for each written notice to be paid by the petitioner. The city planner or his designee shall make written affidavit that the required notifications have been mailed and shall file such affidavit with the papers of the case.

(c) Prohibited uses. Within any business B-4 district, as indicated on the official zoning map, no lot, building or structure shall be used and no building shall be erected which is intended or designed to be used in whole or in part for any industrial or manufacturing purpose. No operations shall be carried on which create conditions of noise, odor, particulates or light detrimental to health, safety or the general welfare of the community.

(d) Uses permitted by right. The following uses shall be permitted by right in the central business district under the regulations of Section 35.1-14 of the zoning ordinance:

(1) Any use hereinbefore permitted by right in R-1, R-2, R-3, R-4 and R-5 districts and business B-1, B-2 and B-3 districts, except the following:

a. Freestanding one- and two-family structures.

b. Drive-in business where persons are served in automobile, such as refreshment stands, restaurants, food stores and the like.

c. Hiring halls and other places of assembly for the registration for or the assignment of employment.

(2) Assembly halls of any size.

(3) Automobile parking garage, repair shop or parking lot, subject to approval by the city council as provided by other ordinances of the city.

(4) Banks and other financial houses, including incidental drive-in service windows.

(5) Churches and other places of worship.

(6) Clubs, lodges and community centers organizations.

- (7) Government buildings used exclusively by the city, county, state or federal government for public purposes.
- (8) Halls or theaters for music, drama, lectures, or other civic or amateur presentations of the arts.
- (9) Hotels and motels.
- (10) Job printing.
- (11) Newspaper offices and printing.
- (12) Office buildings.
- (13) Public libraries, public museums and art galleries.
- (14) Repair or assembly of jewelry, dental goods, optical goods, millinery, clothing novelties, musical instruments or other items from previously prepared materials such as bone, cloth, cork, fibers, leather, paper, plastics, metals, stones, tobacco, wax, yarns or wood (except for sawmills or planing mills), provided that no conditions are created in which smoke, fumes, noise, odor, light or dust becomes detrimental to the health, safety or the general welfare of the community.
- (15) Restaurants.
- (16) Schools and colleges of all types that do not exceed a maximum enrollment of one hundred (100) students.
- (17) Static transformer stations, telephone exchanges, transmission lines, gas and water mains, conduits for the transmission of electric energy including telephone, telegraph, and noncommercial radio and television poles and towers, and appurtenances thereto, but not including service, storage, or maintenance yards, or offices.
- (18) Taxicab office.
- (19) Theaters of any size.
- (20) Other uses determined by the city council to be of similar character to and compatible with the above uses.

(e) Permitted accessory uses. Uses, except signs, permitted as accessories to principal uses in the B-3 district shall be permitted as accessories in the B-4 district.

(f) Uses permitted by conditional use permit. The following uses shall be permitted in central business districts (B-4) under the regulations of Section 35.1-15 and Article X of the zoning ordinance:

- (1) Arcades.
- (2) Commercial recreation places such as dancing, bowling, billiards and the like, when located within enclosed building.
- (3) Dance halls.
- (4) Schools and colleges of all types exceeding a maximum enrollment of one hundred (100) students.

(g) Standards for B-4, central business district. The following dimensional standards shall apply within business districts:

(1) General standards	<u>B-4</u>
Minimum average lot area per establishment (square feet)	None required
Minimum lot depth (feet)	0
Minimum front yard (feet)	0
Minimum rear yard (feet)	0
Minimum side yard (feet)*	0

(2) *Yards. None required, except that any side yard abutting a residential district shall be a minimum of twice the width required in that district. Such a side yard shall be screened in accordance with Section 35.1-23 of the zoning ordinance.

(3) Height regulations. In any business B-4 district, a building may be erected to any height, provided that the height of that portion of the building in excess of two (2) times the width of the street on which it abuts shall be governed by the following regulations: For each foot such building or portion thereof is set back

from any street, lot or required yard line, such building or portion thereof may be erected ten (10) feet in height, provided that no street shall for this purpose be considered to be less than forty (40) feet nor more than sixty (60) feet in width. If a building abuts on two (2) or more streets, that street which permits the greater height shall be used as the basis of measurement.

(4) Area regulations. None required.

(h) Signs. ~~(As provided in Sections 35.1-26 through 35.1-26.16) Exterior signs pertaining only to the uses conducted on the premises, but not including any projecting signs, will be permitted, subject to the following conditions:~~

~~(1) Wall signs shall face only upon a principal street or an abutting parking lot, or where located on a corner lot, may face upon a side street. The aggregate face area of all signs on any one (1) wall of a building shall not exceed fifty (50) square feet, plus two (2) square feet for each lineal foot of such wall.~~

~~(2) One (1) free-standing sign, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign does not extend beyond the lot line. Such sign shall be limited to two (2) faces, each of which shall not exceed one hundred (100) square feet in area. The overall height of any such sign shall not exceed twenty-four (24) feet above the ground.~~

~~(3) When a group of buildings are coordinated into a business or shopping area, one (1) free-standing sign, permanently fixed to the ground, designed to identify the area as a whole may be erected on each street on which the area abuts, provided such sign shall not extend beyond the lot line. Such sign shall be limited to two (2) faces, each of which shall not exceed one hundred fifty (150) square feet in area. The overall height of any such sign shall not exceed twenty-four (24) feet above the ground.~~

~~(4) Signs composed of separate letters identifying a business establishment may be individually mounted either on the top side of a marquee serving the establishment or on the top of an exterior wall of the building, provided no letter shall exceed twenty-four (24) inches in height.~~

~~(5) One (1) two-faced sign shall be permitted on the underside of each marquee, provided there shall be at least an eight (8) foot vertical clearance between the walkway and the lowest point of the sign. The sign may extend the full width of the marquee and shall be located at the center line or at the main entrance of the business establishment. The sign shall be twelve (12) inches high and erected perpendicular to the face of the building.~~

~~(6) No sign shall project more than fifteen (15) inches beyond the face of a building, nor shall any sign project above the parapet wall of a building, except signs indicating time and/or temperature may project not more than five (5) feet beyond the face of the building, provided there is no advertisement or firm name used in connection with such signs, and except for signs permitted on a marquee and on top of exterior walls.~~

~~(7) Sign illumination. When any sign is lighted, such lights shall be enclosed in the sign, shaded or indirect, so that they will in no way interfere with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign, nor any sign simulating movement, shall be permitted, except signs indicating time and/or temperature or similar signs erected for the convenience of the public. No fluorescent paint or other preparation can be used for high reflection.~~

~~(8) The provisions of this section do not apply to signs on the inside of buildings, nor to small signs on outdoor merchandise display racks, cases and vending devices.~~

~~(9) One (1) sign advertising real estate, not to exceed thirty-two (32) square feet in area, may be erected only on the property to be sold or rented. One (1) additional sign may be erected on the same property for each street on which the lot abuts. These signs shall be removed immediately following the sale or rental of~~

~~the property. One (1) construction sign, not exceeding thirty-two (32) square feet may be erected on each construction project. This sign shall not be erected until construction has actually begun and shall be removed as soon as the building is substantially complete.~~

~~(10) Additional temporary signs may be permitted as regulated by Section 35.1-26(d).~~

(i) Parking requirements. In the central business district, the minimum off-street parking requirements shall not apply because of the impracticability of providing such parking on the basis of individual uses in highly congested areas. However, developers of new buildings will be strongly encouraged to provide parking up to the minimum requirements.

Sec. 35.1-38. General business district (B-5).

(a) Intent. This district is to provide for a variety of commercial and similar uses which require large sites and which often produce substantial nuisance effects. The location of these districts should provide for a high level of access, relatively large amounts of level land, and opportunities to shield adjacent residential districts from nuisance effects.

(b) Special regulations. The following special regulations shall apply in general business districts:

- (1) Direct access shall be available to at least one (1) arterial street.
- (2) Driveways shall be kept to a minimum and shall meet the requirements of the "Standard Entrance Policy" of the City of Lynchburg.
- (3) Buffers shall be provided along boundaries of this district adjacent to any residential district.

(c) Prohibited uses.

(1) Within any business B-5 district, as indicated on the official zoning map, no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for other than one (1) or more of the following specified purposes; provided that no operations shall be carried on which create conditions of smoke, fumes, noise, odor, light or dust detrimental to health, safety or the general welfare of the community.

(d) Uses permitted by right. The following uses shall be permitted by right in the general business district subject to the regulation of Section 35.1-14 to the zoning ordinance:

- (1) Uses permitted by right in the B-3 district except one (1) and two (2) family dwellings.
- (2) The following additional uses:

Auction rooms

Armories

Automobile and truck rental

Automobile, truck and trailer sales with outside sales and storage permitted Automobile service stations

Automobile and truck tire sales

Rebuilding and retreading establishments

Battery sales

Bottling plants

Billboards, subject to the regulations of Section 35.1-26.1

Blacksmith shops

Bookbinding

Building material sales

Carpentry shops

Coffee and peanut roasting

Commercial amusements, including swimming pools, golf courses and driving ranges, and skating rinks, but not including circuses, carnivals, and race tracks
 Contractors' establishments
 Dairies, pasteurizing plants, or ice cream manufacture
 Dance halls
 Depositories for the storage of office records, microfilm or computer tapes
 Diaper services
 Drive-in theaters
 Dry cleaning and dyeing plants
 Exterminators
 Furniture upholstery and repair shops
 Custom furniture manufacturing
 Commercial greenhouses
 Hiring halls and other places of assembly for the registration or assignment of employment
 Automobile painting and body repair shops
 Laundries
 Sales lots for construction and farm equipment and similar machinery
 Ice manufacture
 Commercial kennels for dogs and other pets
 Wholesale or produce markets
 Monument and gravestone sales
 Motion-picture production studios
 Newspaper offices
 Photographic developing and printing establishments
 Printing plants
 Second-hand stores including auction sales provided such activity is conducted wholly within an enclosed building
 Small sign shops
 Storage warehouses and yards, except sandyards, gravel yards, coal yards, railroad yards, automobile wrecking yards, junkyards or the storage of combustibles prohibited by the fire code
 Travel trailer sales and rentals
 Window blinds, shades and awnings (manufacture)
 Leather products (not to include tanning)
 Other uses determined by the city council to be of similar character to and compatible with the above uses.

(e) Permitted accessory uses. The following uses are permitted as accessory to principal uses permitted in general business districts:

- (1) Accessory uses permitted in B-3 districts.
- (2) Other uses determined by the planning commission to be customarily accessory to uses permitted in this district.
- (3) Exterior signs pertaining to the uses conducted on the premises, as regulated in the B-4 district, except that projecting signs otherwise complying with this ordinance will be permitted.

(f) Uses permitted by conditional use permit. The following uses shall be permitted in general business districts as conditional use under the regulations of Section 35.1-15 and Article X of the zoning ordinance:

- (1) Temporary fairs, amusement parks and circuses.
- (2) Arenas, auditoriums or stadiums unlimited in capacity.
- (3) Moving and storage establishments.
- (4) Transient trailer parks.
- (5) Radio towers and transmitting stations.
- (6) One (1) and two (2) family dwellings.
- (7) Motor freight stations.

- (8) Trucking terminals.
- (9) Commercial swimming pools.
- (10) Schools and colleges of all types exceeding a maximum enrollment of one hundred (100) students.

(g) Standards for B-5 business districts.

(1) General standards	<u>B-5</u>
Minimum average lot area per establishment (square feet)	None required
Minimum lot depth (feet)	0

(2) Yards. When a lot in any business B-5 district is used, in whole or in part, for residential purposes, the yard requirements shall be the same as those in a residential R-5 district.

a. Front yards.

1. Where all of the lots contained within a block are located in a business B-5 district, no front yard will be required.
2. Where the lots contained within a block are partly in this district and partly in another district in which a greater front yard is required, the front yard requirements of the latter district shall apply to the entire street frontage in both districts, or twenty (20) feet, whichever distance is the greater.

b. Side yards. No side yard shall be required except where a business B-5 district abuts a residential district, in which case the yard required on the abutting side shall be the same as that required in the residential district.

c. Rear yards. The requirement for rear yards is the same as that for business B-2 districts, Section 35.1-35.

(3) Height regulations. The height regulations shall be the same as those required for a business B-4 district, Section 35.1-37.

(4) Area regulations. The area requirements shall be the same as those required for a business B-2 district, Section 35.1-35.

(h) Signs. (As provided in Sections 35.1-26 through 35.1-26.16)

~~(1) Wall signs shall face only upon a principal street or an abutting parking lot, or where located on a corner lot, may face upon a side street. The aggregate face area of all signs on any one (1) wall of a building shall not exceed fifty (50) square feet, plus two (2) square feet for each lineal foot of such wall.~~

~~(2) One (1) free-standing sign, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign does not extend beyond the lot line. Such sign shall be limited to two (2) faces, each of which shall not exceed one hundred (100) square feet in area. The overall height of any such sign shall not exceed twenty-four (24) feet above the ground.~~

~~(3) When a group of buildings are coordinated into a business or shopping area, one (1) free-standing sign, permanently fixed to the ground, designed to identify the area as a whole may be erected on each street on which the area abuts, provided such sign shall not extend beyond the lot line. Such sign shall be limited to two (2) faces, each of which shall not exceed one hundred fifty (150) square feet in area. The overall height of any such sign shall not exceed twenty-four (24) feet above the ground.~~

~~(4) Signs composed of separate letters identifying a business establishment may be individually mounted either on the top side of a marquee serving the establishment or on the top of an exterior wall of the building, provided no letter shall exceed twenty-four (24) inches in height.~~

~~(5) One (1) two-faced sign shall be permitted on the underside of each marquee, provided there shall be at least an eight (8) foot vertical clearance between the walkway and the lowest point of the sign. The sign may extend the full width of the marquee and shall be located at the center line or at the main entrance of the business establishment. The sign shall be twelve (12) inches high and erected perpendicular to the face of the building.~~

~~(6) No sign shall project more than fifteen (15) inches beyond the face of a building, nor shall any sign project above the parapet wall of a building, except signs indicating time and/or temperature may project not more than five (5) feet beyond the face of the building, provided there is no advertisement or firm name used in connection with such signs, and except for signs permitted on a marquee and on top of exterior walls.~~

~~(7) When a sign is lighted, such lights shall be enclosed in the sign, shaded or indirect, so that they will in no way interfere with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on and off) sign, nor any sign simulating movement, shall be permitted; except signs indicating time and/or temperature or similar signs erected for the convenience of the public. No fluorescent paint or other preparation can be used for high reflection.~~

~~(8) The provisions of the section do not apply to signs on the inside of buildings, nor to small signs on outdoor merchandise display racks, cases and vending devices.~~

~~(9) One (1) sign advertising real estate, not to exceed thirty-two (32) square feet in area, may be erected only on the property to be sold or rented. One (1) additional sign may be erected on the same property for each street on which the lot abuts. These signs shall be removed immediately following the sale or rental of the property. One (1) construction sign, not exceeding thirty-two (32) square feet may be erected on each construction project. This sign shall not be erected until construction has actually begun and shall be removed as soon as the building is substantially complete.~~

~~(10) Traffic direction signs, each not exceeding four (4) square feet in area, and four (4) feet in height may be displayed on any lot zoned as community business (B-5) as follows: Signs identifying vehicular entrance to and exit from the lot and signs of the type generally used for traffic control necessary for the safe and proper control of vehicular and pedestrian traffic within the lot; provided that such signs and numbers are approved by the city.~~

~~(11) Additional temporary signs may be permitted as regulated by Section 35.1-26(d).~~

(i) Parking requirements. Off-street parking and loading space shall be provided; however, the requirements of off-street parking of said section shall not apply in connection with buildings located in the first fire district as described in the city code.

Sec. 35.1-38.1. Riverfront business district (B-6).

(a) Intent. This district is to provide for a wide range of residential, commercial, and other sales and service operations, serving the entire metropolitan area. This district is specifically designed to encourage quality development of the waterfront, to preserve its design and historic resources, and to develop the area's full potential for varied uses. Development is intended to provide appropriate reuse of existing structures, to encourage more feasible commercial and mixed commercial/residential uses, to promote safe and convenient pedestrian circulation and access to the river, and to assure beneficial visual relationships within the district and from principal view points.

(b) Access. In order to assure public access to the James River for recreational purposes and to protect the aesthetic qualities of the riverfront, retention of all existing public right-of-ways is encouraged. For new development between Jefferson Street and the James River, public access is encouraged across the

subject property and through any new structure proposed to be built between the terminus of an existing public right-of-way and the James River. This access toward the James River shall be provided with a minimum width of ten (10) feet at intervals of approximately three hundred and fifty (350) feet along the riverfront.

(c) Design review. In order to retain the architectural integrity of the riverfront/downtown area, the area included in the boundaries of the B-6 district shall be designated as a historic district advisory area. Such designation requires that any exterior alterations within the area, including demolitions, new construction, and exterior alterations to existing structures, shall be subject to review by the design review board for conformity with the commercial historic district design guidelines: downtown Lynchburg. The review shall be conducted as a public meeting with the opportunity for public comment including written notice to property owners within two hundred (200) feet of the subject property. While the recommendations resulting from the design review stipulated by this section are offered only in an advisory capacity, developers are encouraged to comply with such recommendations.

The cost of such public meeting shall include a fee for notification by first class mail to all required recipients at the standard postal rate as determined by the United States Postal Service for each written notice, to be paid by the petitioner. The city planner or his designee shall make written affidavit that the required notifications have been mailed and shall file such affidavit with the papers of the case.

(d) Prohibited uses. Within the business B-6 district, as indicated on the official zoning map, no lot, building or structure shall be used and no building shall be erected which is intended or designed to be used in whole or in part for any industrial or manufacturing purpose, unless it fits the definition regarding the repair or assembly of goods as specified in section 35.1-38.1(g)(7), of this district. No operations shall be carried on which create conditions of noise, odor, particulate or light detrimental to health, safety or the general welfare of the community.

(e) Uses permitted by right. The following uses shall be permitted by right in the riverfront business district under the regulations of section 35.1-14, site plan review, of the zoning ordinance:

(1) Any use hereinbefore permitted by right in R-1, R-2, R-3, R-4 and R-5 districts and business B-1, B-2, B-3, B-4, and B-5 districts, except the following:

- a. Generally, any use which requires outside storage shall be prohibited, unless otherwise stated.
- b. The following types of use, which are considered to be too intensive:

Armories

Automobile and truck rental with outside storage

Automobile or truck painting and body repair shops

Automobile or truck repair shop

Automobile, truck and trailer sales with outside sales and storage permitted

Billboards

Bottling plants

Building material sales (with outside storage)

Carpentry shops (with outside storage)

Contractors' establishments (with outside storage)

Dairies, pasteurizing plants, or ice cream manufacture (with outside storage)

Drive-in theaters

Exterminators (with outside storage)

Greenhouses (commercial)

Ice manufacture (commercial)

Kennels (outside commercial) for dogs and other pets

Monument and gravestone sales

Motor freight stations

Printing plants (see job printing, which is allowed by right)
 Sales lots for construction and farm equipment and similar machinery
 Storage yards, including sand yards, gravel yards, coal yards, railroad yards, automobile wrecking yards, junkyards or the storage of combustibles prohibited by the fire code
 Tires, rebuilding and retreading establishments
 Transient trailer parks
 Travel trailer sales and rentals
 Trucking terminals
 Window blinds, shades and awnings (manufacture)

- (2) Boat sales, service, and rentals
- (3) Exhibitions and festivals not to exceed fifteen (15) days duration, by special permit subject to approval by the city manager or his designated official. (See temporary amusement parks, carnivals, circuses, fairs, and the like, which are allowed by conditional use permit)
- (4) Livery stables (excluding outside storage)
- (5) Storage warehouses and wholesalers (with no outside storage)
- (6) Water based transportation and recreation facilities
- (7) Wholesale and produce markets (with no outside storage)
- (8) Other uses determined by city council to be of similar character to and compatible with the above uses

(f) Permitted accessory uses. Uses, except signs, permitted as accessories to principal uses in the B-3 district shall be permitted as accessories in the B-6 district.

(g) Uses permitted by conditional use permit. The following uses shall be permitted in the riverfront business district (B-6) under the regulations of Section 35.1-15 and Article X of the zoning ordinance:

- (1) Arenas, auditoriums, or stadiums, exceeding a maximum capacity of one thousand (1,000) persons
- (2) Automobile or truck service stations
- (3) Automobile or truck washing facilities
- (4) Cluster commercial development districts
- (5) Moving and storage establishments
- (6) Radio towers and transmitting stations
- (7) Repair, assembly, or processing of goods, such as that which may be found in an I-1 or I-2 district (except for sawmills or planing mills), provided that no conditions are created in which smoke, fumes, noise, odor, light, or dust becomes detrimental to the health, safety, or general welfare of the community and that there is no outside storage
- (8) Schools and colleges of all types exceeding a maximum on site enrollment of one hundred (100) students
- (9) Sign shops, small
- (10) Temporary amusement parks, carnivals, circuses, fairs, and the like (See exhibitions and festivals, which are allowed by right.)

(h) Standards for B-6, riverfront business district. The following dimensional standards shall apply within business districts:

(1) General standards.	B-6
Minimum average lot area per establishment (square feet)	None required
Minimum lot depth (feet)	0
Minimum front yard (feet)	0
Minimum rear yard (feet)	0
Minimum side yard (feet)	*0

(2) *Yards. None required, except that any side yard abutting a residential district shall be a minimum of twice the width required in that district. Such a side yard shall be screened in accordance with section 35.1-23 of the zoning ordinance.

(3) Height regulations. None required.

(4) Area regulations. None required.

(i) Signs. ~~(As provided in Sections 35.1-26 through 35.1-26.16) It is recommended that signs in the riverfront business district conform to the commercial historic districts design guidelines: downtown Lynchburg as adopted by city council September 15, 1986 and readopted on December 10, 1991. Exterior signs pertaining only to uses conducted on the premises will be permitted, subject to the following conditions:~~

~~(1) Free standing ground signs, roof signs, large projecting signs, internally illuminated plastic signs, overly bright signs, moving signs or signs simulating movement, and flashing illuminated signs are not allowed.~~

~~(2) The provisions of this section do not apply to signs on the inside of buildings.~~

~~(3) Wall signs shall face only upon a principal street or an abutting parking lot, or where located on a corner lot, may face upon a side street. The aggregate face area of all signs on any one (1) wall of a building shall be limited to one (1) square foot of sign per linear foot of the building and the total area of the sign shall not exceed twenty-five (25) square feet. Letters and symbols shall be limited to a maximum height of twelve (12) inches. These regulations do not apply to the restoration of existing historically significant wall signs.~~

~~(4) No sign shall project more than four (4) feet beyond the face of a building, nor shall any sign project above the parapet wall of a building.~~

~~(5) When any sign is lighted, the illumination must be indirect and should have the light source concealed. Only illumination shall be used and must be directed to prevent interference with the vision of motorists or adjacent occupants. No fluorescent paint or other preparation can be used for high reflection.~~

~~(6) One (1) sign advertising real estate, not to exceed sixteen (16) square feet in area, may be erected only on the property to be sold or rented. One (1) additional sign may be erected on the same property for each street on which the lot abuts. These signs shall be removed immediately following the sale or rental of the property. One (1) construction sign, not exceeding sixteen (16) square feet may be erected on each construction project. This sign shall not be erected until construction has actually begun and shall be removed as soon as the building is substantially complete.~~

~~(7) Additional temporary signs may be permitted as regulated by section 35.1-26(d).~~

(j) Parking requirements. In the riverfront business district, the minimum off-street parking requirements shall not apply because of the impracticability of providing such parking on the basis of individual uses in highly congested areas. However, developers will be strongly encouraged to provide parking up to the minimum requirements.

Sec. 35.1-39. Restricted industrial districts (I-1).

(a) Intent. Restricted industrial districts are intended to provide for industrial plants developed at moderate to low densities and with high standards of building and site design. These districts can be mapped in close proximity to residential areas and are particularly appropriate along regional highways, where they can serve to improve the attractiveness and amenity of these highways to the benefit of the traveler, the community and the individual plant owner.

(1) In any industrial I district, as indicated on the official zoning map, no lot, building or structure shall be used, and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for any use which is in conflict with any ordinance of the City of Lynchburg now existing or hereafter enacted. No use shall be allowed unless listed below as a use permitted by right, as a permitted accessory use or as a use permitted by conditional use permit, provided, however, that any such permitted use existing prior to December 13, 1988, may be enlarged or expanded, but not relocated, so long as it meets all other applicable requirements of this chapter. Any such use shall not be subject to any of the limitations or other regulations prescribed for non-conforming uses elsewhere provided in this chapter.

(b) Special regulations. The following special regulations shall apply in restricted industrial districts (I-1) :

- (1) Required setbacks and other open areas not needed for operations shall be landscaped and such landscaping shall be maintained at all times.
- (2) No use shall be permitted which produces noise, unshielded light, smell, dust or any other airborne nuisance which is perceptible beyond the property line of each zoning lot.
- (3) All manufacturing, processing, testing, storage and similar operations shall be contained completely within buildings or structures.
- (4) All building or structure sides which face a public street shall be of at least seventy (70) percent nonmetallic materials.
- (5) Refuse collection areas and bulk loading operations, including a loading and unloading berth, shall be screened from view from all public streets or common boundaries with residential districts. These facilities shall be screened using construction materials or earth berms, but not landscaping. On those building sides which face a public street the screening materials shall be at least seventy (70) percent nonmetallic and shall match the materials used on those building sides. This regulation shall not apply to parking or recreation facilities, except that such facilities shall be screened from any adjacent residential development.

(c) Prohibited uses. The following uses are specifically prohibited in restricted industrial districts:

- (1) Fuel storage yards.
- (2) Contractors storage yards.
- (3) Lumber yards.
- (4) Sawmills.
- (5) Stonework.

(d) Uses permitted by right. The following uses shall be permitted by right in restricted industrial districts subject to the regulations of Section 35.1-14 of this ordinance:

- (1) Dwellings and agricultural uses existing at the time the land is zoned in this district.
- (2) Air conditioning, refrigerated equipment (manufacturing).
- (3) Apparel and accessories, hosiery and lingerie (manufacturing).
- (4) Automatic temperature controls (manufacturing).
- (5) Blankbooks, looseleaf binders and devices (manufacturing).
- (6) Blueprinting and photostating establishments.
- (7) Books, publishing and printing.
- (8) Business machines, typewriters, adding machines, calculators, card punching or counting equipment (manufacturing).
- (9) Camera and photographic equipment (manufacturing).
- (10) Canvas products (manufacturing).
- (11) Communication equipment (manufacturing).
- (12) Computer centers.
- (13) Computer (manufacturing).
- (14) Costume jewelry, costume novelties, buttons and miscellaneous notions (except precious metals) (manufacturing).
- (15) Cosmetics and toiletries (manufacturing).

- (16) Curtains and draperies (manufacturing).
- (17) Cutlery, hand tools and general hardware (manufacturing).
- (18) Data processing service.
- (19) Dental equipment and supplies (manufacturing).
- (20) Dental laboratory services.
- (21) Depositories for the storage of office records, microfilm or computer tapes.
- (22) Electrical appliance, components and instrument (manufacturing).
- (23) Electrical transmission and distribution equipment (manufacturing).
- (24) Electrical lighting and wiring equipment (manufacturing).
- (25) Electrical testing laboratories.
- (26) Engineering, laboratory and scientific and research instruments, equipment (manufacturing).
- (27) Envelope (manufacturing).
- (28) Government buildings used exclusively by the city, state or federal government for public service.
- (29) Greeting card (manufacturing).
- (30) Hats, caps and millinery (manufacturing)
- (31) Jewelry, silverware and flatware (manufacturing).
- (32) Lace goods (manufacturing).
- (33) Lithographing.
- (34) Medical equipment (manufacturing).
- (35) Medical instruments (manufacturing).
- (36) Musical instruments and parts (manufacturing).
- (37) Newspapers, publishing and printing.
- (38) Office, general, directly related to industrial activities.
- (39) Office building (with a minimum of twelve thousand (12,000) square feet of gross floor area.)
- (40) Office, computing and accounting machines (manufacturing).
- (41) Ophthalmic goods (manufacturing).
- (42) Optical instruments and lenses (manufacturing).
- (43) Orthopedic, prosthetic and surgical supplies (manufacturing).
- (44) Pharmaceutical (manufacturing).
- (45) Photoengraving.
- (46) Photographic equipment and supplies (manufacturing).
- (47) Printing and publishing.
- (48) Professional, scientific and controlling instruments; photographic and optical goods, watches and clocks, clockwork operated devices and parts (manufacturing).
- (49) Radio and television sets (manufacturing).
- (50) Research, development and testing laboratories.
- (51) Signs and advertising displays (manufacturing).
- (52) Silverware and plated ware (manufacturing).
- (53) Sporting goods (manufacturing).
- (54) Telecommunications towers and facilities (see Article XI. Telecommunications towers and facilities).
- (55) Telephone exchanges.
- (56) Toys and games (manufacturing).
- (57) Umbrellas, parasols and canes (manufacturing).
- (58) Other uses determined by the city council to be of similar character to and compatible with the above uses.

(e) Permitted accessory uses. The following uses shall be permitted as accessories to principal uses in the restricted industrial districts:

- (1) Residential quarters for bona fide caretakers or watchmen and their families.
- (2) Food service facilities expressly designed for the use of an establishment or group of establishments located in the district.
- (3) Recreational facilities for employees of establishments in the district.

- (4) Care centers for employer-sponsored child day care when located on the same property as the primary industrial use.
- (5) Retail stores, not including warehouse sales, planned and built as part of manufacturing or processing operation, dealing in the products produced in such operations, intended primarily for the exhibition and promotion of those products as well as their sale.
- (6) Warehouses and storage facilities, except as prohibited in Subsection 35.1-39(c) above; manufacturing uses, except as prohibited in Subsection 35.1-39(c) above, meeting other regulations of this section; wholesale establishments.
- (f) Uses permitted by conditional use permit. The following uses shall be permitted as conditional use permit in restricted industrial districts under the regulations of Section 35.1-15 and Article X of this ordinance:
- (1) Heliports, helistops and STOL-ports; provided, that such facilities meet all applicable federal, state and local regulations and are located at least one-half (1/2) mile from any residential district.
 - (2) Motels and hotels.
 - (3) Restaurants (serving wholly within an enclosed building, with only incidental carry-out service.)
 - (4) Public and community recreation facilities.
 - (5) Arenas, auditoriums or stadiums.
- (g) Standards.
- (1) Height regulations. The height regulations shall be the same as those required for a business B-4 district, Section 35.1-37.
 - (2) Yards. The yard requirements shall be the same as those of a business B-5 district, Section 35.1-38.
 - (3) Area regulations. No tract of land less than two (2) acres shall be placed in this zoning category; however, tracts already zoned "I-1" may be extended in increments of any size.
- (h) Signs. (As provided in Sections 35.1-26 through 35.1-26.16) ~~Signs shall be permitted as follows:~~
- ~~(1) Signs as permitted in residential and limited business districts.~~
 - ~~(2) Signs announcing the use of the lot and the business name of the business occupying the lot, subject to the following restrictions:~~
 - ~~a. No more than one (1) sign shall be permitted on frontage of each public road bordering the property.~~
 - ~~b. The total area of such signs shall not exceed one (1) square foot for each five (5) linear feet of such frontage, but not to exceed one hundred (100) square feet in any case.~~
 - ~~(3) Direction signs to main entrance, not to exceed two (2) per entrance nor to exceed five (5) square feet of area for each such sign.~~
 - ~~(4) One (1) sign advertising real estate, not to exceed thirty two (32) square feet in area, may be erected only on the property to be sold or rented. One (1) additional sign may be erected on the same property for each street on which the lot abuts. These signs shall be removed immediately following the sale or rental of the property. One (1) construction sign, not exceeding thirty two (32) square feet may be erected on each construction project. This sign shall not be erected until construction has actually begun and shall be removed as soon as the building is substantially complete.~~
 - ~~(5) Additional temporary signs may be permitted as regulated by Section 35.1-26(d).~~
 - ~~(6) Sign illumination: When any sign is lighted in this district, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of~~

~~motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign simulating movement shall be permitted. No fluorescent paint or other preparation can be used for high reflection.~~

(i) Parking requirements.

Off-street parking and loading as required and regulated by Section 35.1-25 of this ordinance.

Sec. 35.1-40. Light industrial districts (I-2).

(a) Intent. This district is intended to provide for industrial uses of a variety of types which produce relatively low levels of smoke, smell, noise light, dust and other nuisances. These areas would contain many of the same types of activity as the restricted industrial districts, but lower development standards would be permitted. In general, operations are appropriate in this district which: (1) do not involve nuisances discernible at the lot line; and (2) do not deal with large volumes of customers on a continuous basis throughout the day. No use shall be allowed in this district unless listed below as a use permitted by right, as a permitted accessory use or as a use permitted by conditional use permit, provided, however, that any such permitted use existing prior to December 13, 1988, may be enlarged or expanded, but not relocated, so long as it meets all other applicable requirements of this chapter. Any such use shall not be subject to any of the limitations or other regulations prescribed for non-conforming uses elsewhere provided in this chapter.

(b) Uses permitted by right. The following uses shall be permitted in light industrial districts subject to the regulations of Section 35.1-14.

- (1) Uses permitted by right in restricted industrial districts (I-1) (except for an office building which is not directly related to an industrial activity).
- (2) Adhesive products (manufacturing).
- (3) Armories.
- (4) Artisans and craft work.
- (5) Automobile and truck parts manufacturing.
- (6) Automobile parking garage, repair shop or parking lot subject to approval by the city council as provided by other ordinances of the city.
- (7) Bakery goods (manufacturing).
- (8) Battery (manufacturing).
- (9) Blueprinting and photostating establishments.
- (10) Billboards subject to the regulations of Section 35.1-26.1.
- (11) Bottling and beverage works.
- (12) Bookbinding.
- (13) Box (manufacturing).
- (14) Broom and brush (manufacturing).
- (15) Bus and other transit stations.
- (16) Cameras and other photographic equipment (manufacturing).
- (17) Candy (manufacturing).
- (18) Carpentry and cabinet making shops.
- (19) Catering establishments.
- (20) Ceramic products (manufacturing).
- (21) Chemical apparatus (manufacturing).
- (22) Coffee and peanut roasting.
- (23) Commercial greenhouses.
- (24) Communications systems service (manufacturing and wholesale).
- (25) Computer centers.
- (26) Confection (manufacturing).

- (27) Cosmetics (manufacturing).
- (28) Data processing service.
- (29) Dairies and/or pasteurizing plants.
- (30) Depositories for the storage of office records, microfilm or computer tapes.
- (31) Die casting.
- (32) Distribution center.
- (33) Drugs (manufacturing).
- (34) Dry cleaning establishments.
- (35) Dyeing establishments.
- (36) Electrical appliances (manufacturing and fabrication).
- (37) Electrical equipment (manufacturing and fabrication).
- (38) Electronic components and instruments (manufacturing and fabrication).
- (39) Electroplating.
- (40) Extracts, food and flavor (manufacturing).
- (41) Fence (manufacturing).
- (42) Food wholesale.
- (43) Food products (manufacturing) other than fish, sauerkraut, vinegar, or yeast, or the refining or rendering of fats or oils.
- (44) Furniture and fixtures (manufacturing).
- (45) Glass products (manufacturing).
- (46) Government buildings used exclusively by the city, county, state or federal government for public service.
- (47) Hardware and tools (manufacturing).
- (48) Ice, natural and dry manufacturing.
- (49) Ice cream (manufacturing).
- (50) Ink products (manufacturing).
- (51) Instruments, professional, scientific and controlling (manufacturing).
- (52) Insulating material (manufacturing).
- (53) Jewelry (manufacturing).
- (54) Laboratories (research and testing).
- (55) Laboratory apparatus (manufacturing).
- (56) Latex (fabrication, not including paint).
- (57) Laundry plants.
- (58) Leather products (manufacturing, not to include tanning).
- (59) Linen supply establishments.
- (60) Lithographing.
- (61) Luggage (manufacturing, not to include tanning).
- (62) Machinery and machines, household and office (manufacturing).
- (63) Machine shops.
- (64) Machine tools, light (manufacturing).
- (65) Medical equipment (manufacturing).
- (66) Metal finishing.
- (67) Metal products and machinery, medium and light (manufacturing and fabrication).
- (68) Milk and dairy products (processing and distribution).
- (69) Modular and mobile homes (manufacturing).
- (70) Monument works and statuary (production).
- (71) Motorcycles (manufacturing and fabrication).
- (72) Musical instruments (manufacturing).
- (73) Motor freight terminals.
- (74) Moving and storage establishments.
- (75) Novelty products (manufacturing).
- (76) Off-street parking garages and lots incidental to industrial activities.
- (77) Office, general, directly related to industrial activities.
- (78) Optical equipment (manufacturing).

- (79) Orthopedic and medical appliances (manufacturing).
- (80) Packaging and paper products manufacturing from previously prepared materials.
- (81) Perfumes (manufacturing).
- (82) Pharmaceuticals (manufacturing).
- (83) Plastics (fabrication).
- (84) Photoengraving.
- (85) Photography film (manufacturing and processing).
- (86) Polish (manufacturing).
- (87) Porcelain enamel products (manufacturing and fabrication).
- (88) Pottery and chinaware (manufacturing).
- (89) Printing and publishing.
- (90) Radio and television studios and stations, provided that studios produce no exterior electromagnetic effect and are soundproofed from adjoining properties.
- (91) Retail/wholesale display rooms for sales at industrial establishments of products manufactured on site and other products of the corporation provided the display area does not exceed fifteen (15) percent of the total floor area.
- (92) Rope, fibrous (manufacturing).
- (93) Rubber fabrication.
- (94) Rugs (manufacturing).
- (95) Shoe manufacturing.
- (96) Signs (manufacturing).
- (97) Silverware, plate and sterling (manufacturing and fabrication).
- (98) Spices (manufacturing and processing).
- (99) Sporting and athletic goods (manufacturing).
- (100) Starch (manufacturing).
- (101) Static transformer stations, transmission lines, gas and water mains, conduits for the transmission of electric energy including telephone, telegraph, and noncommercial radio and television poles and appurtenances thereto.
- (102) Telephone exchanges.
- (103) Textile mills products (manufacturing and fabrication).
- (104) Tobacco products (manufacturing).
- (105) Toiletries (manufacturing).
- (106) Tool, die or pattern making shops.
- (107) Toys and games (manufacturing).
- (108) Trade expositions.
- (109) Twine, fibrous (manufacturing).
- (110) Union halls.
- (111) Warehousing and storage, except sandyards, gravel yards, coal yards, railroad yards, automobile wrecking yards, junkyards, or the storage of combustibles prohibited by the fire code.
- (112) Wax and wax products (manufacturing).
- (113) Wearing apparel (manufacturing).
- (114) Welding and blacksmith shops.
- (115) Wholesale establishments with a building area of five thousand (5,000) square feet or more. A portion of the establishment may be used for retail display area, provided the retail sales (a) do not exceed fifteen (15) percent of the total building area, and (b) are not used for second hand (consignment) merchandise or auction centers and do not require outdoor storage such as lumber yards, wholesale warehouses for the sale of motor vehicles, farm, or heavy construction equipment.
- (116) Window blinds, shades and awnings (manufacturing).
- (117) Wire (manufacturing).
- (118) Wood products (manufacturing).
- (119) Wool processing.
- (120) Other uses determined by the city council to be of similar character to and compatible with the above uses.

(c) Permitted accessory uses. The following uses shall be permitted as accessories to permitted principal uses in light industrial districts:

- (1) Uses permitted and as regulated as accessory uses in restricted industrial districts (1-1).
- (2) Other uses determined by the city council to be customarily accessory to uses permitted in this district.

(d) Uses permitted by conditional use permit. The following uses shall be permitted as conditional use permit in light industrial districts under the regulations of Section 35.1-15 and Article X of this ordinance:

- (1) Arenas, auditoriums or stadiums.
- (2) Business incubator.
- (3) Circus, carnival or other similar transient enterprises.
- (4) Drive-in theaters.
- (5) Heliports, helistops and STOL-ports; provided, that such facilities meet all applicable federal, state and local regulations and are located at least one-half (1/2) mile from any residential district.
- (6) Public and community recreation facilities.
- (7) Radio and television transmission towers.
- (8) Sanitary or solid waste management facility, private - establishment of a new facility.

(e) Standards. See Section 35.1-39.

(f) Signs. (As provided in Sections 35.1-26 through 35.1-26.16) Signs shall be permitted as follows:

~~(1) Signs as permitted in residential and limited business districts.~~

~~(2) Signs announcing the use of the lot and the business name of the business occupying the lot, subject to the following restrictions:~~

~~a. No more than one (1) sign shall be permitted on frontage of each public road bordering the property.~~

~~b. The total area of such signs shall not exceed one (1) square foot for each five (5) linear feet of such frontage, but not to exceed one hundred (100) square feet in any case.~~

~~(3) Direction signs to main entrance, not to exceed one (1) per entrance nor to exceed five (5) square feet of area for each such sign.~~

~~(4) One (1) sign advertising real estate, not to exceed thirty-two (32) square feet in area, may be erected only on the property to be sold or rented. One (1) additional sign may be erected on the same property for each street on which the lot abuts. These signs shall be removed immediately following the sale or rental of the property. One (1) construction sign, not exceeding thirty-two (32) square feet may be erected on each construction project. This sign shall not be erected until construction has actually begun and shall be removed as soon as the building is substantially complete.~~

~~(5) Additional temporary signs may be permitted as regulated by Section 35.1-26(d).~~

~~(6) Sign illumination. When any sign or billboard is lighted in this district, such lights shall be enclosed in the sign, shaded or indirect, so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign simulating movement shall be permitted. No fluorescent paint or other preparation can be used for high reflection.~~

(g) Parking requirements. Off-street parking and loading as required and regulated in Section 35.1-25 of this ordinance

Sec. 35.1-41. Heavy industrial districts (I-3).

(a) Intent. These districts are intended to provide for industrial and other activities which produce the highest levels of nuisance permitted under federal and state air and water pollution regulations. Generally, the objective of this ordinance is to limit nuisances and any other objectionable characteristics to those which are not discernible beyond the boundary of the district. No use shall be allowed in this district unless listed or defined below as a use permitted by right, as a permitted accessory use or as a use permitted by conditional use permit, provided, however, that any such permitted use existing prior to December 13, 1988, may be enlarged or expanded, but not relocated, so long as it meets all other applicable requirements of this chapter. Any such use shall not be subject to any of the limitations or other regulations prescribed for non-conforming uses elsewhere provided in this chapter.

(b) Uses prohibited. The following uses are prohibited in heavy industrial districts:

- (1) Abattoir or slaughterhouse, except for poultry which is incidental to a commercial use permitted by this ordinance.
- (2) Acetylene gas manufacture on a commercial scale.
- (3) Acid manufacture, such as sulphurous, sulphuric, nitric, picric, hydrochloric or other corrosive or offensive acid manufacture, or their use or storage, except on a limited scale as accessory to a permitted industry.
- (4) Asphalt roofing, tar roofing or waterproofing manufacture.
- (5) Bleaching powder, ammonia or chlorine manufacture.
- (6) Celluloid or pyroxyline manufacture or processing; the manufacture of explosive or highly inflammable cellulose products.
- (7) Coal tar manufacture or tar distillation.
- (8) Creosote manufacture or creosote treatment.
- (9) Distillation of bones.
- (10) Fat rendering.
- (11) Fertilizer manufacture or the compounding of fertilizers on a commercial scale.
- (12) Fireworks or explosives manufacture, nitrating process, the loading of explosives or their storage in bulk.
- (13) Fish smoking or curing or processes involving recovery from fish or animal offal.
- (14) Gas manufacture, or gas storage in quantity exceeding five hundred thousand (500,000) cubic feet within one hundred (100) feet of any lot line; or in quantity exceeding two hundred (200) cubic feet if the pressure is greater than one hundred (100) pounds per square inch.
- (15) Glue or size manufacture.
- (16) Horn processing.
- (17) Lime, gypsum, plaster or plaster of paris manufacture.
- (18) Match manufacturing.
- (19) Office uses which are not directly related to an industry.
- (20) Petroleum manufacturing.
- (21) Potash manufacture.
- (22) Residential uses, including those of an institutional nature - institutional residential uses being those associated with churches or religious organizations, schools, hospitals, health or adult care facilities but (1) excluding residences of bona fide caretakers and their families, and (2) any residence constructed prior to and occupied as a residence since December 12, 1978. The limitations of Section 35.1-27, nonconforming uses, notwithstanding, such residences, in the event they are damaged or destroyed due to fire or other unforeseen circumstances (but not including neglect), may be rebuilt in their original location with substantially the same height and exterior dimensions, provided that they have frontage on an improved city street and that reconstruction is completed to the point that a new certificate of occupancy is issued within twenty-four (24) months from the date of damage or destruction.
- (23) Retail uses, unless specifically permitted under Section 35.1-41(c).

(24) Sanitary or solid waste management facilities, private, except as otherwise permitted under Section 35.1-41(e).

(25) Schools, hospitals, clinics and similar institutions.

(26) Soda, soda ash, caustic soda manufacture.

(27) Starch, glucose and dextrine manufacture.

(28) Turpentine, varnish or shellac manufacture.

(29) Any other use or purpose which will create conditions of smoke, fumes, noise, odors or dust detrimental to the health, safety and general welfare of the community.

(c) Uses permitted by right. The following uses shall be permitted by right in heavy industrial districts subject to the regulations of Section 35.1-14 of this ordinance:

(1) Any manufacturing or industrial use which is not specifically prohibited by Section 35.1-41(b) above, provided, however, that any such prohibited use legally existing at the time of enactment of this chapter shall not be subject to any of the limitations or other regulations prescribed for non-conforming uses elsewhere provided in this ordinance.

(2) Contractor and construction shops and yards.

(3) Retail/wholesale display rooms for sales at industrial establishments of products manufactured on site and other products of the corporation provided the display area does not exceed fifteen (15) percent of the total floor area.

(4) Truck painting and body repair shops.

(5) Wholesale display rooms within industrial establishments as regulated by Section 35.1-40(b)(115).

(d) Permitted accessory uses. Uses not specifically prohibited by subsection (b) above are permitted as accessory uses in heavy industrial districts.

(e) Uses permitted by conditional use permit. The following uses shall be permitted by conditional use permit under the regulations of Section 35.1-15 and Article X of this ordinance:

(1) Automobile service stations.

(2) Circus, carnival or other similar transient enterprise.

(3) Food service facilities incident to one or a group of permitted uses.

(4) Sanitary or solid waste management facility, private - establishment of a new facility.

(5) Uses as determined appropriate by the city council.

(f) Standards. See Section 35.1-39.

(g) Signs. (As provided in Section 35.1-36) ~~Signs, as regulated in I-1 industrial district shall be permitted as follows:~~

~~(1) (2) Billboards —Signs as permitted in residential and limited business districts.~~

~~(2) Signs announcing the use of the lot and the business name of the business occupying the lot, subject to the following restrictions:~~

~~a. No more than one (1) sign shall be permitted on frontage of each public road bordering the property.~~

~~b. The total area of such signs shall not exceed one (1) square foot for each five (5) linear feet of such frontage but not to exceed one hundred (100) square feet in any case.~~

~~e. a.~~ The area of the advertising surface erected on any structure shall not be less than one hundred seventy-five (175) square feet nor more than six hundred seventy-five (675) square feet.

~~d.~~ b. All other billboards located in this district shall be located no less than five hundred (500) feet apart and shall be subject to the size requirements in paragraph ~~e.~~ a. above and the illumination requirements in Section 35.1-41, (g) (3), of this ordinance.

~~e.~~ c. The spacing provisions cited above shall not apply to billboards separated by buildings or other obstructions in such a manner that only one (1) sign located within the required spacing distance is visible from the road at any one time.

~~(3)~~ (2) Sign illumination. When any ~~sign or~~ billboard is lighted in this district, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring residents. Only white illumination shall be used and no flashing (on-and-off) sign simulating movement shall be permitted. No fluorescent paint or other preparation can be used for high reflection.

(h) Parking requirements. Off-street parking and loading space shall be provided as required in Section 35.1-25; provided, however, the requirements of said section shall not apply in connection with buildings located in the first fire district as described in the city code.

Sec. 35.1-43.7. Permitted uses in traditional neighborhood developments.

All uses within a traditional neighborhood development are determined by the provisions of this section and the approved plan of the project.

(a) Residential uses.

(1) A variety of residential uses shall be provided in the TND. Residences may be of any design and type, though the range of styles and materials shall be set by architectural design guidelines submitted with the TND application and made a part of the specific regulations governing the development of the TND.

(2) In developing a balanced community, the provision of housing with a broad range of prices shall be deemed to be most in compliance with the intent of this article.

(3) Generally, high density housing types (multi-family and single family attached housing) shall be located closest to the core of the community and within one-quarter (1/4) mile of the identified center of the community. Satellite high density residential areas are permitted if used to provide a transition between the neighborhood and abutting off-site high density housing areas, non-residential areas, or major transportation corridors. Satellite areas may include a commercial area, as described in Sec. 35.1-43.7(b)(1), or civic uses.

(4) A maximum of eighty percent (80%) of the net development area shall be designated for residential uses. The total land area designated for residential use shall be equal to or exceed the total area designated for commercial/service and restricted industrial combined.

(5) Of the total number of residential units to be constructed, no more than seventy percent (70%) shall be in one of the following categories:

- a. Single family detached
- b. Single family attached (duplexes and townhouses)
- c. Multi-family

(6) The maximum net density as measured in dwelling units per acre in the TND shall not exceed the maximum net density set in the R-5 district in Sec. 35.1-33(f). The acreage to be included in this calculation shall be all land area devoted to residential, associated park and open space uses, and associated alleys.

(b) Commercial and service uses.

(1) Each TND neighborhood shall have a core made up primarily of the uses permitted in the B-1, B-2, B-3 districts and located within one quarter (1/4) mile of the identified center of the community. Small-scale satellite commercial/service uses are also permitted in the TND neighborhood outside the core area as long as in total they comprise less than one-third (1/3) the gross commercial/service building square footage of the core.

(2) In addition to B-1, B-2, and B-3 permitted uses, the following conditional, commercial and service uses shall be permitted if specifically included in the approved TND plan, otherwise they will be conditional uses once a TND plan is approved:

- a. Arts and crafts shops
- b. Automobile service stations
- c. Commercial recreation establishments, such as dancing, bowling, billiards and the like, when located in enclosed buildings
- d. Outdoor restaurants
- e. Temporary fairs, exhibitions, and circuses
- f. Tourist homes or bed and breakfasts
- g. Veterinarian hospitals without outdoor kennels, including facilities for the sale and care of animals normally kept as pets but not farm animals

(3) The maximum floor plate for any commercial/service building shall be twenty thousand (20,000) square feet, though this limitation may be waived by the design review board during the site plan approval process upon determination that a larger building as designed will not dominate the neighborhood or its streetscape.

(4) A minimum of five percent (5%) and a maximum of thirty percent (30%) of the net development area shall be designated for commercial/service uses.

(c) Restricted industrial uses.

(1) Traditional neighborhood developments may include industrial uses permitted under the I-1, restricted industrial district.

(2) A maximum of thirty percent (30%) of the net development area may be designated for restricted industrial uses.

(3) The maximum floor plate for any industrial building shall be twenty thousand (20,000) square feet, though this limitation may be waived by the design review board during the site plan approval process upon determination that a larger building as designed will not dominate the neighborhood or its streetscape.

(d) Civic uses.

(1) The following civic uses shall be permitted if specifically included in the approved TND plan, otherwise they will be conditional uses once a TND plan is approved:

- a. Care centers
- b. Cemeteries and columbariums
- c. Churches and other places of worship, including parish houses and educational buildings
- d. Clubs and fraternal organizations
- e. Community swimming pools
- f. Convents and monasteries
- g. Group homes
- h. Hospitals and sanitoriums
- i. Libraries
- j. Museums and art galleries
- k. Nursing homes and assisted living facilities
- l. Public buildings, such as branch governmental centers, meeting halls, post offices
- m. Public or community recreational facilities not operated for profit

- n. Public utilities
- o. Schools and colleges for general education
- p. Other community facilities

(2) A minimum of two percent (2%) of the net development area shall be designated for civic uses. Public utility uses shall not be included in this percentage.

(e) Parks, squares, and other open space.

(1) Since net densities of individual blocks may be high in a TND, ample community open space shall be provided in parks, squares, and common open space distributed throughout the TND. In order for a parcel to be considered a park, a square, or common open space, it must be at least one quarter (1/4) acre in size. No residential unit of the neighborhood shall be located more than one quarter (1/4) mile (1,320 feet) from the boundary of a park, square, or common open space property. This requirement may be waived by the design review board during the site plan approval process in instances of unusual parcel shapes, the provision of ample private open space, or other mitigating factors.

(2) A minimum of ten percent (10%) of the net development area shall be designated for park, square, and/or common open space uses. At least 1.0 acre total of parks or squares shall be provided in the core area of the TND.

(f) Accessory and other associated uses. The following accessory uses and structures are permitted within a traditional neighborhood development:

- (1) Private and public garages
- (2) Private and public parking lots or structures
- (3) Signs in commercial/service and restricted industrial areas according to Sec. 35.1-26 and the approved traditional neighborhood development design guidelines, provided no sign shall exceed the number and maximum area as stipulated in ~~the Sec. 35.1-36, community business districts (B-3) regulations~~ Section 35.1-26.10.
- (4) Signs in residential, civic, and public use areas according to ~~Sec. 35.1-33(g).~~ Section 35.1-26.8

Sec. 35.1-66. Clubs and fraternal organizations.

Facilities for clubs and fraternal organizations permitted by conditional use permit in residential districts shall conform to the following regulations:

(a) Every building shall be located at a distance of not less than one hundred (100) feet from any lot line. This requirement may be altered to not less than fifty (50) feet at commercial or industrial zoned lot lines or along a front lot line other than one located on either primary or secondary streets.

(b) All buildings on the site shall not cover, in the aggregate, a ground floor area of more than twenty (20) per cent of the area of the site.

(c) No automobile parking space shall be located in any required setback area or within a distance of twenty-five (25) feet from any property line. This requirement may be altered at commercial or industrial zoning lot lines or secondary streets.

(d) Off-street parking space and loading berth requirements:

- One (1) parking space per employee.
- One (1) parking space per site resident.
- One (1) parking space per fifty (50) square feet of floor area.
- One (1) loading berth for service vehicles.

Three (3) loading berths per main entrance.

~~(e) Signs. (As provided in Sections 35.1-26 through 35.1-26.16.8) shall be limited to one (1) identification sign not more than twelve (12) square feet in area and those required to direct to off-street parking. Any illumination shall be white, non-flashing, limited to either enclosed light design or indirect lighting from a shielded source, and may not be displayed within a distance of thirty (30) feet from any property line.~~

2. That in order to promote the public necessity, convenience, general welfare and good zoning practice the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by repealing Sections 3-8, 35.1-26 and 35.1-26.1.

~~Sec. 3-8. Replacement of billboards.~~

~~Whenever any billboard, as defined in section 36-42, shall become unsightly, rotten or dangerous, it shall be replaced by a modern, up-to-date sheet iron board under the direction and supervision of the building inspector.~~

Sec. 35.1-26. Signs.

~~The intent of this section is, among other things, to: preserve the residential character of residential neighborhoods; preserve order and cleanliness; avoid the appearance of clutter; protect property values; avoid litter and the growth of weeds around signs; reduce the traffic hazard caused by distractions to motorists and impairment of sight lines; ensure that the city remains an attractive place to live and work; reduce administrative burdens; and protect the health, safety, welfare, morals, convenience, and comfort of the public.~~

~~Regulations for signs permitted in each district are specifically listed in the district regulations. Directional signs for temporary church activities, garden shows, antique shows, and other similar temporary activities may be erected along streets only by written permission of the City Manager or his duly authorized representative. Where such signs are erected on poles owned by a utility company, the permission of such company shall also be obtained.~~

~~For the purposes of this section, other provisions notwithstanding, awning signs shall be allowed and treated as wall signs. The maximum permissible area for awning signs shall be subject to, and calculated with, the maximum permissible wall sign area for the specific district in which such signs are located. These provisions are applicable to awning signs regardless of the material.~~

~~In the B-1, Limited Business Districts, through the I-3, Heavy Industrial Districts, one (1) identification flag, not exceeding twenty-four (24) square feet in area and containing only the name and/or logo of the business located on the premises, may be erected on the property, provided the flag is located on a freestanding flag pole. The area shall be calculated separately from the maximum permissible ground sign area for the district in which the flag is located. The maximum permissible height for identification flags shall be twenty-four (24) feet.~~

~~(a) Discontinued business. If a business advertised by any sign is discontinued, such sign shall be removed, at the expense of the owner within ten (10) days after such discontinuance of business, and shall not be erected elsewhere in the City, except in conformity with the provisions of this article.~~

~~(b) Existing signs. Any existing sign or advertising structure legally erected and maintained, which is nonconforming to the provisions of this article, may continue in its nonconforming status. Any such nonconforming sign which may hereafter be removed for any purpose shall, if re-erected, conform to the~~

~~provisions of this article, and any such nonconforming sign requiring repairs in the amount of fifty (50) percent of its replacement value shall be required to conform with all provisions of this ordinance.~~

~~(c) Certificate of insurance.~~

~~(1) As a condition of permission to erect, construct, or maintain over any public street any sign requiring a permit, the property owner, sign owner, and sign user of any such sign shall all be and remain liable for all damages and injuries caused to persons or property by reason of the construction, maintenance, use, removal, or repair of such sign or signs, and shall indemnify and save harmless the City against all damages it may sustain by reason of the existence of such sign as hereinafter provided.~~

~~(2) Every person applying for a permit to erect a sign over any public street shall furnish the Division of Inspections a certificate of insurance, on forms furnished by said division for the purpose, certifying that the owner or tenant of the building or premises on which the sign is to be erected has liability insurance for bodily injuries covering said sign in the amount of fifty thousand dollars (\$50,000.00) for each person and one hundred thousand dollars (\$100,000.00) for each accident. The certificate of insurance shall show the name of the insurance company, name of insured, address of insured, location of insured premises, insurance policy number, date insurance policy issued, expiration date of insurance policy, limits of policy, type of insurance, and a clause providing that in case of cancellation of insurance policy the City shall be given ten (10) days' notice prior to such cancellation.~~

~~(3) In case the ownership of a sign is changed, the new owner shall furnish a certificate of insurance as hereinafter provided.~~

~~(4) Any person lawfully maintaining a sign over any public street at the time of the enactment of this code shall, within thirty (30) days after the enactment of this code, comply with all the provisions as set out in this section. This paragraph, however, shall not apply to any person who has heretofore insured the City against liability due to the existence of any electric sign by an endorsement or rider to his own public liability and property damage insurance policy, until such time as such policy, or the rider thereto, expires or is otherwise terminated.~~

~~(5) The requirements of this section shall be in addition to all other provisions and requirements contained in the ordinances of the City relating to signs over public property.~~

~~(6) Any persons violating any of the provisions of this section shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense, and each day's maintenance or existence of any sign in violation of this section shall constitute a separate offense.~~

~~(d) Temporary signs.~~

~~(1) Signs of a temporary nature made of cloth, paper, or similar material may be erected, provided, the number of such signs that may be displayed at any one (1) time is limited to one (1) sign on each street on which the property abuts, and provided such sign does not exceed thirty-two (32) square feet in area and is not placed nearer to a street line than eight (8) feet, except wall signs may project not more than three (3) inches from any building wall. Such signs, except real estate signs, shall be restricted to on-premises signs erected by the business occupant of the lot and the advertising matter shall apply only to the nature of the business occupying the lot on which the sign is erected. Temporary signs advertising real estate may be erected on the property to be sold or rented but not on any other property; these signs shall be removed immediately after any sale has been completed. Such real estate signs may be erected without notice to the Division of Inspections. (Refer to specific zones for additional regulations concerning signs.)~~

~~(2) A permit for a temporary sign is required from the division of inspections. No permit for a temporary sign shall be issued until applicable permit fees have been paid to the city collector, and no such permit shall be issued for a period to exceed sixty (60) days. Permits for temporary signs shall not be issued for~~

any location during a period of thirty (30) days after the expiration date of a permit for a temporary sign previously issued for the same location, unless the business operated at the location has changed ownership.

~~(e) Political campaign signs. A campaign sign is a temporary sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a governmental election. Within any district, a political campaign sign may be erected on a lot, provided that such sign: is erected only upon approval of the property owner, may not exceed six (6) square feet in area or four (4) feet in height, may not be located closer than eight (8) feet to a street line, must be at least five (5) feet from any property line, is at least forty (40) feet away from any other such sign, and does not exceed two (2) political campaign signs per lot. If the size of a lot does not permit signs to be placed forty (40) feet apart, the signs shall be placed as far apart as possible to allow not more than two (2) signs on a lot. A political campaign sign may be displayed on any zoning lot fourteen (14) days before an election, and such sign shall be removed within three (3) days after the election. The removal of such signs shall be the responsibility of the property owner on whose lot the sign is displayed.~~

~~A political campaign sign may be indirectly illuminated, provided the source of illumination is not visible and no fluorescent paint or other preparation is used for high reflection. Only white illumination shall be used, and no flashing (on-and-off) sign, nor any sign simulating movement, shall be permitted. The hours that the signs can be lighted shall be determined by the Superintendent of Inspections so that it does not interfere with any abutting residential properties. Political campaign signs are permitted in addition to non-commercial opinion signs.~~

~~(f) Non-commercial opinion signs. A non-commercial opinion sign is a sign which does not advertise products, goods, businesses, or services, and which expresses an opinion or other point of view. Such a sign cannot be illuminated by an interior or exterior light source. One non-commercial opinion sign may be displayed on any lot that is zoned and used residentially. Such signs are permitted on private property only, may be erected only upon approval of the property owner, may not exceed six (6) square feet in area or four (4) feet in height, may not be located closer than eight (8) feet to a street line, and must be at least five (5) feet from any property line.~~

~~(g) Portable signs. All portable signs shall be constructed entirely of metal or other approved materials as specified in the City's adopted BOCA Basic Building Code. A portable sign is hereby defined as any sign which is movable, not permanently attached to the ground, a structure or any other signs and not an integral part of a building to which it is accessory. Portable signs are permitted only in B-3 community business, B-5 general business, and I-2 industrial districts, subject to the following standards:~~

~~(1) One (1) portable sign may be located on the property occupied by a permitted use to identify only the person, establishment, the principal product and/or service available on the premises. In the event there is more than one (1) permitted use on the premises, only one (1) portable sign can be used for this property as specified herein.~~

~~(2) All portable signs must be located at least one thousand (1,000) feet apart and at least ten (10) feet from any property lines.~~

~~(3) A portable sign cannot be located in any required off-street parking space, driveway, alley or fire lane.~~

~~(4) The portable sign may be illuminated provided that such lights are enclosed in the sign, shaded or indirect so that they will in no way interfere with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign, nor any sign simulating movement, shall be permitted. No fluorescent paint or other preparation can be used for high reflection.~~

~~(5) A portable sign shall not exceed twenty five (25) square feet in total area.~~

~~(6) A permit to use this type of portable sign is required from the Division of Inspections. No permit for a portable sign shall be issued until applicable permit fees have been paid to the city collector, and such permit shall be issued for a period not to exceed thirty (30) days. Permits for use of any portable sign shall not be issued for any property during a period of twelve (12) months after the expiration date of a permit for a portable sign previously issued for the same location.~~

~~(h) Compliance with Electrical Code. All illuminated signs must comply with the City's Electrical Code.~~

~~Sec. 35.1-26.1. Billboards.~~

~~All billboards constructed or erected after the enactment of this ordinance shall conform to the following requirements:~~

~~1. No person shall cause to be constructed or erected in a B-5 district any billboard except a billboard that replaces a then-existing billboard in a B-5 district. Any billboard existing in a B-5 district at the time of enactment of this ordinance, and any replacements and any billboard existing in an I-2 or I-3 district at the time of enactment of this ordinance shall not be considered as a nonconforming billboard provided said billboard is in compliance with this ordinance. All other billboards existing at the time of enactment of this ordinance shall be deemed nonconforming billboards.~~

~~2. Any billboard located within three hundred (300) feet of the center line of, and readily readable from, any limited access highway shall be located not nearer than five hundred (500) feet to an exit ramp. The required distance shall be measured along the center line of the highway, in the direction in which traffic is approaching the exit ramp, beginning at the nearest intersecting point of a line drawn perpendicular to the said center line through the beginning of the nearest exit ramp with said highway. No billboard shall be located in such a manner as to obstruct an existing advertising structure viewed from a point on the main traveled portion of said highway at a distance of three hundred (300) feet approaching said sign.~~

~~3. Billboards shall be located no less than five hundred (500) feet apart.~~

~~4. The spacing provisions cited above shall not apply to billboards separated by buildings or other obstructions in such a manner that only one (1) sign located within the required spacing distance is visible from the road at any one (1) time.~~

~~5. Except on property located adjacent to limited access highways, no billboard shall be located within one hundred fifty (150) feet of any property zoned for or used as a residential development, church, playground, school or public park.~~

~~6. The area of the advertising surfaces erected on any billboard shall not exceed six hundred seventy-five (675) square feet, and no billboard(s) shall be double-decked, multi-decked, stacked or side-by-side structures with more than one (1) surface area facing the same direction.~~

~~7. When any billboard is lighted, such lights shall be enclosed in the sign, shaded or indirect, so that they will in no way interfere with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign, nor any sign simulating movement, shall be permitted, except signs indicating time and/or temperature or similar signs erected for the convenience of the public. No fluorescent paint or other preparation can be used for high reflection.~~

~~8. The maximum height of a billboard shall be forty (40) feet from the grade of the thoroughfare to which the sign is oriented or from the base of the structure, whichever is higher.~~

~~9. All billboards shall be maintained by the owner in sound structural condition, to a standard approved by the superintendent of inspections. In the event of failure to provide such maintenance, the superintendent,~~

~~after sixty (60) days' notice, may order the removal of the billboard. If the owner should fail to remove the billboard, the city, after sixty (60) days' written notice, may remove the billboard at the owner's expense.~~

~~10. No billboard shall be erected, rebuilt, altered or relocated without a permit from the city's division of inspections, in accordance with such regulations as may be promulgated by the superintendent of inspections and approved by the city manager.~~

3. That in order to promote the public necessity, convenience, general welfare and good zoning practice the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto new sections numbered Sections 35.1-26 through 35.1-26.16 as follows:

Sec. 35.1-26. Signs.

It is the intent of the zoning ordinance to minimize the negative secondary effects that can accompany the unregulated display of signs, such as visual blight and traffic hazards, by adopting content neutral time, place and manner of display standards for signs. The goals of the zoning ordinance are to preserve the residential character of residential neighborhoods; avoid the appearance of clutter; protect property values; reduce traffic hazards caused by distractions and impairment of sight lines to motorists; ensure that the city remains an attractive place to live and work; reduce administrative burdens; and to promote the public necessity, convenience, general welfare and good zoning practice. It is not the intent of the city to suppress any free speech activities protected under the First Amendment or to regulate the content of signs or to require the alteration of federally registered trademarks or logos, but to enact a content-neutral ordinance which will address the secondary effects of signs.

Sec. 35.1-26.1. Severability clause.

As provided in Sec. 35.1-3, if any provision of the zoning ordinance regulating signs is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the zoning ordinance regulating signs and all of such provisions shall remain in full force and effect. .

Sec. 35.1-26.2. Definitions.

Address sign: A sign displaying only the assigned address of a property or building that is attached to a building or sign structure or part thereof. An address sign shall not be included in the maximum permissible sign area of the district in which it is located.

Awning: A permanent roof like structure that projects from the wall of a building, covered with any material designed and intended for protection from the weather or as a decorative embellishment including those types which can be retracted, folded, or collapsed against the face of the supporting building.

Banner: A sign consisting of a piece of fabric or any other material, other than a flag or pennant, used to advertise a **business, service, product, goods**, special promotion, activity or event.

Billboard: Any exterior sign or advertising structure or portion thereof, including any sign painted directly on any exterior wall, roof, or part of a building or other object, displaying any information other than the name and occupation of the user of the premises or the nature of the business conducted thereon or the products sold, manufactured, processed or available thereon.

Building mounted sign: A permanently attached sign, erected or painted on the outside wall, window, or door of a building.

Changeable copy sign: A sign, or part of a sign, with copy that can be changed by manual, mechanical, or electronic means, ~~except for scoreboards~~. **Copy may not change more than once every six (6) seconds.**

Channel enclosure: Continuous c-shaped metal, or similar opaque material, surrounding three-quarters of the circumference of neon tubing.

Construction sign: A temporary sign that notifies the public of a specific building or development under construction **or reconstruction** or to be constructed **or reconstructed** within the next three (3) months. The sign may also identify the architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.

Directional sign: An on-premises sign whose message is exclusively limited to guiding the circulation of pedestrian or vehicular traffic, such as enter, exit, or one-way.

Flag: Any fabric or any other material attached to or designed to be flown from a flagpole or similar device.

~~Flag, business: Any flag that displays the name, insignia, emblem or logo of the entity located on the site.~~

~~Flag, decorative: Any flag of a non-commercial nature, including a flag that displays the name, insignia, emblem, or logo of any nation, state, or municipality other than the United States of America, the State of Virginia or the City of Lynchburg.~~

Flag pole: A freestanding structure or a structure attached to a building or the roof of a building for the sole purpose of displaying flags.

~~Flag, public: The flag of the United States of America, the State of Virginia or the City of Lynchburg.~~

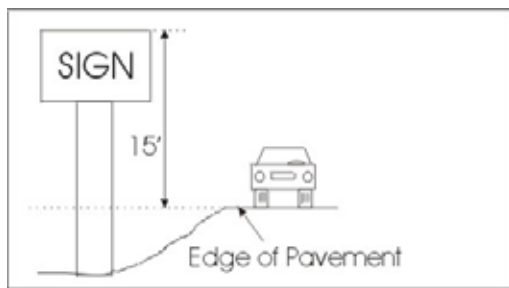
Flashing sign: ~~Any illuminated sign which does not maintain, when in operation or use, a stationary light or constant intensity of color. Any light or copy that does not change more frequently than once per twenty (20) seconds will not be considered a flashing sign.~~ **A sign which involves motion or rotation of any part of the structure, moving reflective disks, running animation, or displays an intermittent light or lights. Signs must display an on-premise message charged by electronic means or remote control, programmed or sequenced to change no more than once every six (6) seconds shall not be considered a flashing sign.**

Freestanding sign: A non-movable sign supported by structures or supports in or upon the ground and not attached to a building.

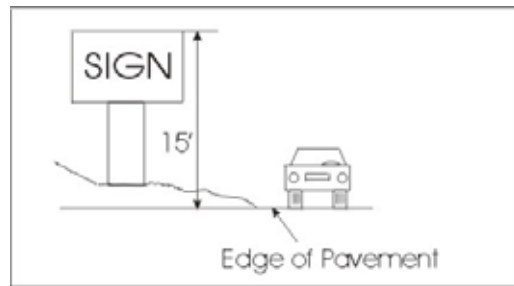
Graphic: Any logo, emblem, insignia, or text, formed by writing, drawing, painting or engraving.

Height of sign: The distance to the topmost extent of the sign structure when measured from and perpendicular to the elevation of the edge of pavement of the closest adjacent roadway on which the sign is

located. In no instance shall the sign structure be required to be less than ten (10) feet in height, except as otherwise specifically required by the zoning ordinance.



Height of Sign



Height of Sign

Identification sign: A sign which is permanently attached to or painted on a building and contains only the building name. (*Example, the "Allied Arts" Building.*) Identification signs shall not be included in the maximum permissible sign area of the district in which it is located.

Illuminated sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Inflatable item: Any item that is capable of being expanded by air, water or other means that exceeds twenty-four (24) inches in diameter, **used to advertise a business, service, product, goods, special promotion, activity or event.**

Logo: Any emblem used as the symbol of an organization, or residential or nonresidential community. A logo may include a graphic, text, or both.

Modified sign: A sign that is allowed to deviate from the standards set forth in the zoning ordinance pursuant to a conditional use permit issued by city council or a certificate of appropriateness issued by the historic preservation commission.

Monument sign: A permanent structure built on-grade in which the sign and the structure are an integral part of one another, not a pole(s) mounted sign.

Mural: A painting, fresco, or mosaic applied to a wall for the sole purposes of decoration or artistic expression. A mural is not considered a sign unless it includes words or graphics that advertise the products or service of any entity.

Neon tubing: A vacuum tight transparent tube not exceeding one inch (1") in diameter containing, but not limited to neon, argon, helium, xenon, or krypton that produces light when connected to an electrical current.

Off-site directional sign: A sign that directs traffic to a site other than the site on which the sign is located.
~~Offsite directional signs do not include real estate signs.~~

Opinion sign: A sign which does not advertise products, goods, businesses, or services, and which expresses an opinion or other point of view.

Parapet wall: A wall that extends above the top of a flat roof or flat portion of a roof.

Pennant: Any lightweight plastic, fabric or other similar material, whether or not containing copy suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent sign: Any sign attached to the ground or any ~~other~~ structure, intended to exist for the life of the structure or use, and which cannot be removed without involving any structural or support changes.

Pole mounted sign: A sign which is mounted on one or more freestanding poles or similar supports.

Political sign: A temporary sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a government election.

Portable sign: A sign which is movable without involving any structural or support changes, not permanently attached to the ground, a structure or any other sign not an integral part of a building to which it is accessory. This category includes, but is not limited to, an A-frame sign, a sign attached to or placed on a vehicle, which is used primarily for the purpose of display, and similar devices used to attract attention. This shall not include bumper stickers or identification signs directly applied to or painted on vehicles identifying the owner of the vehicle, a business name, logo or emblem.

Projecting sign: A sign which is attached to and projects at an angle and extends more than fifteen (15) inches from the face of the wall of a building.

Real estate sign: A temporary sign used to offer property for sale, lease, rent and/or development or to advertise an open house.

Re-facing: The replacement of a sign face, regardless of change in copy, of equal size to the original, without altering the sign box, sign frame or sign structure.

Roof sign: A sign installed or constructed upon or above a roof.

Sign: Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, logo, or trademark) or any other figure or graphic of similar character for the purpose of communicating information to the public which is:

- (a) Attached to a structure, painted on or in any other manner represented on a building or other structure;
- (b) Used to announce, direct attention to, or advertise;
- (c) Visible from the outside of a building. A sign shall include writing, pictorial representation, emblem or any other figure of similar character within a building when located less than twelve (12) inches away from the inside face of an exterior window pane; and
- (d) Accessory to the permitted uses in the zoning district.

Sign base: The area below any writing, pictorial representation, emblem or any other figure of similar character on a sign face. This shall include solid bases, poles, supports, uprights, skirts and/or enclosures.

Sign box: A structure that encloses the sign face(s) and any internal illumination.

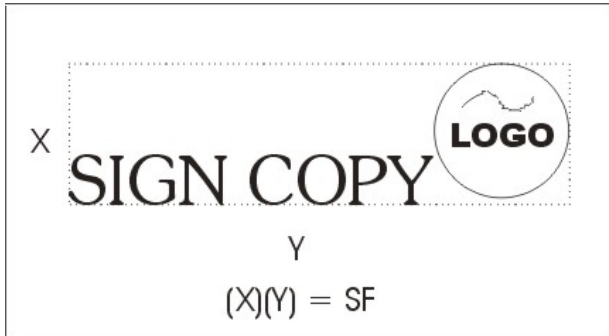
Sign face: The area or display surface used for the message, not including the sign frame or sign structure.

Sign frame: The enclosure and/or embellishment that surround the sign face.

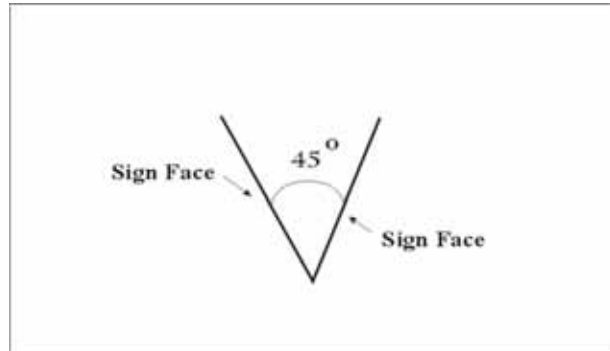
Sign structure: An assembly of material used to support a sign face and/or sign frame.

Streamer: Any long narrow strip of cloth, paper, plastic or other material.

Surface area: The entire area within a single continuous perimeter including the extreme limits of writing, pictorial representation, emblem, figure, graphic, or any figure of similar character. The sign base, box, frame, and/or structure shall not be considered the surface area of a sign unless there is writing or internal illumination on such sign components. For the purpose of computing, the surface area of a double-faced sign or a V-type sign shall be considered a single structure; provided, that the interior angle of the V-type sign does not exceed forty-five (45) degrees.



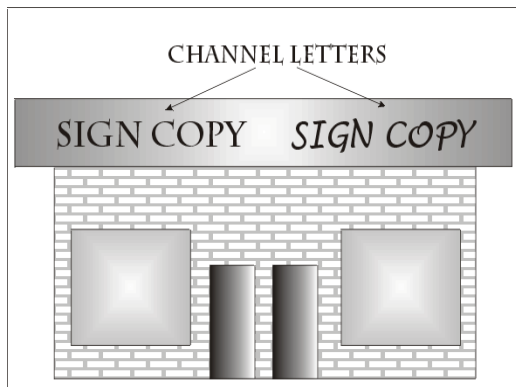
Surface Area



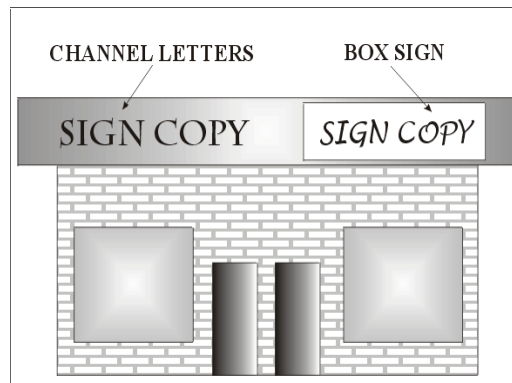
Surface Area: V Type or Double - Faced Sign

Temporary sign: A sign designed or intended to be displayed for a limited period of time as indicated in the zoning ordinance .

Unified and coordinated **wall building mounted** signs: Signs that are similar in construction technique, but not including font, or color.



Unified & Coordinated



Not Unified and Coordinated

Window sign: A sign attached to, applied directly to, or located within twelve (12) inches from a door or window that is legible from the property line.

Sec. 35.1-26.3. General regulations.

(a) The following shall not be subject to the provisions of the zoning ordinance regulating signs:

(1) Signs which are subject to the regulations of the Virginia Department of Transportation and which are placed in the public rights-of-way or on city-owned property by the city for public information purposes. Such signs include but are not limited to, signs which direct or regulate pedestrian or vehicular traffic, community identification signs which identify the location of buildings and facilities or scenic or historic attractions, and similar types of signs;

(2) ~~Public Flags as defined by this ordinance and flags displaying religious messages or symbols;~~

- (3) Memorial signs or tablets; and
- (4) Decorative embellishments attached to light poles.

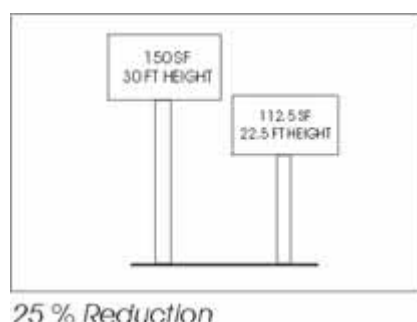
(5) Scoreboards.

(b) For the purposes of the zoning ordinance, other provisions notwithstanding, awning signs shall be allowed and treated as **wall building mounted** signs. The maximum permissible area for awning signs shall be subject to, and calculated with, the maximum permissible **wall building mounted** sign area for the specific district in which such signs are located. These provisions are applicable to awning signs regardless of the material.

(c) ~~Signs located in windows shall be calculated with and included in the surface area of wall signage if the sign is legible from the property line.~~ **Window signs covering more than twenty-five percent (25%) of the glass area shall be calculated with and included in the maximum permitted building mounted sign area in the district.**

(d) Discontinued uses. Within thirty (30) days after a use or activity that is advertised by a sign ceases, the owner of such use or activity or the owner of the property on which the sign advertising the discontinued use or activity is located shall remove **any changeable copy on** the sign **face**. In the event the use of any nonconforming sign is abandoned for two (2) or more years the sign and its supporting structure shall be removed by the owner of the use or activity or by the owner of the property on which the sign is located. If the sign and its supporting structure are not removed the city shall give the property owner notice to remove the sign and a deadline for removal. If the property owner fails to remove the sign after having been given **written** notice by the city to do so or if the city after reasonable efforts to do so is unable to locate the **property** owner, the city may pursue any or all of the following remedies: (i) through its employees or agents enter the property upon which the sign is located, remove the sign and its supporting structure and bill the **property** owner for the costs of such removal; (ii) apply to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriate remedy; and/or (iii) charge the owner of the property where the sign is located with a violation of the zoning ordinance as provided in Section 35.1-20.

(e) Existing signs. Any existing sign and/or sign structure legally erected and maintained, which is nonconforming to the provisions of the **June 22, 2004** amendments to the zoning ordinance, may continue in its nonconforming status as long as it is maintained in its then structural condition as it existed at the time of adoption of this article (see nonconforming Section 35.1-27). When a nonconforming sign, sign frame, and/or sign structure is intentionally reconstructed or structurally altered by the business or building owner, the surface area and height requirements for a new sign, sign frame, and/or sign structure, under this ordinance, shall apply. The new sign, sign frame, and/or sign structure may exceed the ordinance requirements, however, to a limit which is calculated by taking a **thirty percent (30%) twenty-five percent (25%)** reduction in the height and/or square foot area of the original sign, sign frame and/or sign structure, provided that the new sign, sign frame, and or sign structure is constructed within sixty (60) days of the removal of the previous nonconforming sign and sign application approval is granted As provided in Sections 35.1-26 through 35.1-26.16.14 of the zoning ordinance. New signs, sign frames and/or sign structures, which exceed the ordinance requirements pursuant to this provision shall be considered as nonconforming. Replacements of signs destroyed by acts of God, or other occurrences beyond the control of the owner shall comply fully with Section 35.1-26 of the zoning ordinance.



(f) Portable signs, pennants, streamers, ~~and off premises site~~ directional signs, and flashing signs are prohibited.

(g) Compliance with electrical code. All illuminated signs must comply with UL standards of the statewide uniform building code.

(h) Violations and penalties: refer to Section 35.1-20.

Sec. 35.1-26.4. Flags.

~~(a) The following flags are permitted in the zoning districts of the City of Lynchburg:~~

<i>District</i>	<i>Flag Type</i>	<i>Quantity</i>
R-C through R-5	Flag decorative	2
B-1 through I-3	Flag decorative	2
	Flag business	N/A

~~(b) All business flags~~ Any flag which advertises a business, service, product, goods, special promotion, activity or event shall be calculated with the maximum permissible sign area for the district in which the flag is located. ~~All other permitted flags shall be calculated separately from the maximum permissible ground sign area for the district in which the flag is located.~~

Sec. 35.1-26.5. Temporary signs.

(a) The following banners are permitted in the zoning districts of the City of Lynchburg:

<i>District</i>	<i>Size</i>	<i>Quantity</i>	<i>Setback</i>	<i>Wall Projection</i>
R-1, R-2, R-3, R-4, R-5	24 SF	1 Per Street Frontage	8 Feet	3 Inches Max
B-1, B-2, B-4, B-6	24 SF	1 Per Street Frontage	8 Feet	3 Inches Max
B-3, B-5	32 SF	1 Per Street Frontage	8 Feet	3 Inches Max
I-1, I-2, I-3	24 SF	1 Per Street Frontage	8 Feet	3 Inches Max

(b) Banners may be erected only by the occupant of the lot and the advertising matter shall apply only to the nature of the activity occupying the lot on which the banner is erected.

(c) An application and permit for a banner or inflatable item is required as provided in 35.1-26.14. No such permit shall be issued for a period to exceed ~~thirty (30)~~ sixty (60) days. Permits for banner signs and inflatable items shall not be issued for any location during a period of thirty (30) days after the expiration date of a permit for a banner or inflatable item previously issued for the same location, unless the business operated at the location has changed ownership. In no case shall a banner or inflatable item be displayed for more than a total of one hundred and ~~twenty (120)~~ eighty (180) days per calendar year. Said banners

and inflatable items shall be securely fastened to the ground or other immovable object and shall be located a minimum of eight (8) feet from the property line.

(d) Temporary construction signs are permitted in the zoning districts of the City of Lynchburg as follows:

<i>District</i>	<i>Size</i>	<i>Quantity</i>
R-C, R-1, R-2, R-3, R-4, R-5	16 SF	1
B-1, B-2, B-3, B-4, B-5, B-6	32 SF	1
I-1, I-2, I-3	32 SF	1

One temporary construction sign shall be allowed for each contractor, subcontractor, architect or engineer. Temporary construction signs shall only be allowed on the property on which construction will commence within the next three (3) months, and may be erected on the wall of a construction trailer, construction shed or on the ground. Temporary construction signs shall not be lighted by any means and shall be removed prior to a certificate of occupancy (CO) being granted for said building. A sign permit is not required for the placement of a temporary construction sign.

(e) Temporary real estate signs are permitted in the zoning districts of the City of Lynchburg as follows:

<i>District</i>	<i>Size</i>	<i>Quantity</i>
R-C, R-1, R-2, R-3	5 SF	1 per Street Frontage
R-4, R-5	32 SF	1 per Street Frontage
B-1, B-2, B-3, B-4, B-5, B-6	32 SF	1 per Street Frontage
I-1, I-2, I-3	32 SF	1 per Street Frontage

Temporary real estate signs are to be placed only on the property that is for sale or lease. Temporary real estate signs shall be removed **immediately following within three (3) days of** the sale or lease of the property.

(f) One (1) temporary subdivision identification sign not exceeding thirty-two (32) square feet in area may be erected during construction at an entrance to the subdivided property; provided not over two (2) signs shall be erected for any one (1) subdivision. These signs shall be removed upon completion or sale of seventy-five (75) per cent of the lots in the subdivision. No electric or other luminous sign and no sign illuminated by a floodlight or other similar device shall be permitted.

(g) Temporary signs that are permitted by this section may not be placed on utility poles, traffic control signs or within the public rights-of-way.

(h) All temporary signs must be removed within three (3) days after the event or activity being advertised or promoted by the temporary sign has been completed.

Sec. 35.1-26.6. Political signs.

A political sign is a temporary sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a governmental election. Within any district, political signs may be erected on a lot, provided that such sign is erected only upon approval of the property owner. Political signs may not be placed on utility poles, traffic control signs or within the public rights-of-way. Political signs must be removed within three (3) days after the election. The removal of such signs shall be the responsibility of the property owner on whose lot the sign is displayed.

Sec. 35.1-26.7. Opinion signs.

Opinion signs are permitted in any zoning district on private property only and may be erected only upon approval of the property owner. Opinion signs may not be placed on utility poles, traffic control signs or within the public rights-of-way.

Sec. 35.1-26.8. Signs in R-C, R-1, R-2, R-3, R-4, and R-5 districts.

Signs pertaining only to the uses conducted on the premises will be permitted, subject to the following conditions:

(a) One (1) sign announcing a permitted home occupation will be allowed for each street on which the lot abuts. Each such sign shall not exceed one (1) square foot in area. Such signs shall be illuminated only by shaded white lights.

~~(b) One (1) sign not to exceed four (4) square feet identifying a club, lodge or community center may be erected. Only shaded white light may be used to illuminate these signs.~~

~~(c)~~ **(b)** Church bulletin boards and signs for ~~the display of names of educational or other~~ permitted **institutions uses** shall be permitted when such signs do not exceed an aggregate area of eighteen (18) square feet for each institution. Such signs may be illuminated only by shaded white lights.

~~(d)~~ **(c)** One (1) subdivision identification sign not exceeding forty (40) square feet in area may be erected at each main street entrance to the subdivided property. The maximum height of the monument sign shall be eight (8) feet. The maximum area of the sign may be on one (1) sign or divided into two (2) signs located on each side of the subdivision road entrance. Light fixtures shall not be included in calculating the maximum height. Such signs shall be illuminated only by shaded white lights.

Sec. 35.1-26.9. Signs in B-1 and B-2 districts.

Signs pertaining only to the uses conducted on the premises, but not including any roof signs or billboards, will be permitted, subject to the following conditions:

(a) Building mounted signs shall face only upon an abutting street or an abutting parking lot of the same parcel where the sign is located. The aggregate face area of all signs on any one (1) wall of the building shall not exceed twenty-four (24) square feet. Newly constructed groups of buildings shall have unified and coordinated ~~wall~~ **building mounted** signs.

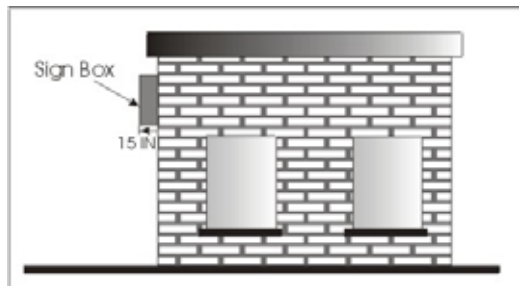
(b) One (1) free-standing sign structure, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign structure does not extend beyond the lot line nor shall such sign be located closer to the front property line than two (2) feet. Such sign structure shall be limited to two (2) sign faces, each of which shall not exceed twenty-four (24) square feet in surface area. Any architectural or decorative surrounds to support or enhance the sign face may not exceed twenty-five percent (25%) of the maximum allowable sign face surface area. Sign bases, uprights, or poles located under the sign shall not count toward the architectural or decorative surrounds calculation. The overall height of any such sign structure, including its architectural or decorative surrounds, shall not exceed ten (10) feet above the ground.

(c) When a group of buildings is coordinated into a business or shopping area, one (1) free-standing sign structure, permanently fixed to the ground and designed to identify the area as a whole, may be erected on each street on which the area abuts, provided such sign structure shall not be located closer to the front property line than two (2) feet. Such sign shall be limited to two (2) sign faces, each of which shall not

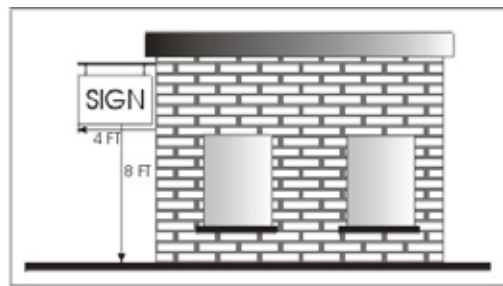
exceed twenty-four (24) square feet in area for the first business tenant, but may be increased incrementally by four (4) square feet for each additional business tenant up to a maximum of thirty-two (32) square feet. Any architectural or decorative surrounds to support or enhance the sign face may not exceed twenty-five percent (25%) of the maximum allowable sign face surface area. The overall height of any such sign, including its architectural or decorative surrounds, shall not exceed ten (10) feet above the ground.

(d) Any pole supporting a freestanding sign shall be in an eighteen (18) inch wide **rectangular** enclosure. The material and color of the enclosure shall coordinate with the sign and/or building. Any freestanding sign in a historic district shall be monument style, maximum seven (7) feet in height, comply with the historic district guidelines, and receive approval from the secretary of the historic preservation commission. Decisions of the secretary may be appealed to the historic preservation commission.

(e) No building mounted sign shall project more than fifteen (15) inches beyond the face of a building. Signs mounted perpendicular to the building may project a maximum of four (4) feet beyond the face of the building and allow for eight (8) feet of clearance between the bottom of the sign structure and the ground. No sign shall project above the parapet wall of the building. ~~Signs indicating time, temperature, or similar factual information, may project a maximum of four (4) feet beyond the face of the building.~~ If an advertisement or firm name is used in connection with such signs, it shall count towards the maximum **wall building mounted** sign square foot allowance.



Building Mounted Signs



Projecting Signs Perpendicular to Building

(f) The provisions of this section do not apply to signs that are further than twelve (12) inches away from the inside face of an exterior window pane.

(g) Sign illumination. When any sign is lighted in these districts, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign simulating movement shall be permitted, except signs indicating time and/or temperature or similar signs erected for the convenience of the public. No fluorescent paint or other preparation shall be used for high reflection.

(h) One sign with the word "open" (neon or otherwise) shall be permitted per **building use**, provided the sign does not exceed four (4) square feet. Said sign shall not count towards the maximum allowable sign square footage.

(i) For visibility regulations at intersections see Section 35.1-23(j)

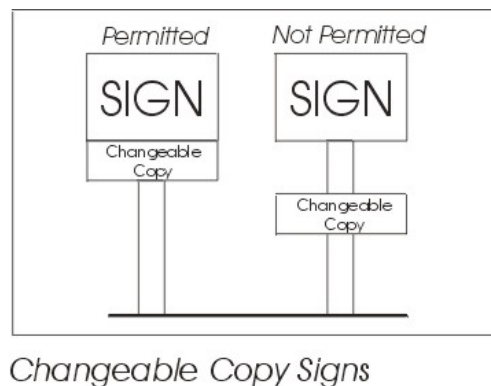
Sec. 35.1-26.10. Signs in B-3 and B-5 districts.

Signs pertaining only to the uses conducted on the premises, but not including any roof signs or billboards, will be permitted, subject to the following conditions:

(a) Building mounted signs shall face only upon an abutting street or an abutting parking lot of the same parcel where the sign is located. The aggregate sign face surface area of all signs, including trim or

embellishment, on any one (1) building wall within two-hundred (200) feet from the abutting street right-of-way shall not exceed twenty-five (25) square feet plus one (1) square foot for each lineal foot of such wall. In no case shall the sign face surface area exceed one-hundred ~~fifty (150) (400)~~ square feet. The aggregate sign face surface area of all signs on any one (1) building wall greater than two-hundred (200) feet from the abutting street right-of-way shall not exceed twenty-five (25) square feet plus two (2) square feet for each lineal foot of such wall. In no case, shall the sign face surface area exceed ~~one two-hundred and fifty (150) (200)~~ square feet. Newly constructed groups of buildings shall have unified and coordinated **wall building mounted** signs.

(b) One (1) free-standing sign structure, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign structure is not located closer to the front property line than two (2) feet. Such sign structure shall be limited to two (2) sign faces, each of which shall not exceed fifty (50) square feet in area. Any changeable copy sign must abut or connect with the sign face and the total square footage for both sign face surface area and changeable copy sign surface area may not exceed sixty-six (66) square feet. The changeable copy sign surface area itself may be no larger than twenty-two (22) square feet. Any architectural or decorative surrounds to support or enhance the sign face and/or changeable copy sign face may not exceed twenty-five percent (25%) of the allowable sign face surface area. The overall height of any such sign structure, including any architectural or decorative surrounds, shall not exceed ~~fifteen (15)~~ **seventeen (17)** feet above the ground.



(c) When a group of buildings is coordinated into a business or shopping area, one (1) free-standing sign structure, permanently fixed to the ground, designed to identify the area as a whole may be erected on each street on which the area abuts, provided such sign shall not be located closer to the front property line than two (2) feet. For a group of buildings that is between one hundred thousand (100,000) square feet and two hundred thousand (200,000) square feet, such sign shall be limited to two (2) faces, each of which shall not exceed seventy-five (75) square feet in area plus sixteen (16) square feet for a reader board. The **reader board changeable copy sign** must be attached to the sign. For a group of buildings that exceeds two hundred thousand (200,000) square feet in area, such sign shall be limited to two (2) faces, each of which shall not exceed one hundred ~~twenty-five (400) (125)~~ square feet in area plus sixteen (16) square feet for a changeable copy sign. The changeable copy sign must be attached to the sign. Any architectural or decorative surrounds to support or enhance the sign and/or changeable copy sign may not exceed twenty-five percent (25%) of the allowable sign area. The overall height of any such sign, including any architectural or decorative surrounds, shall not exceed fifteen (15) feet above the ground.

(d) Any pole supporting a freestanding sign shall be in an eighteen (18) inch wide rectangular enclosure. The material and color of the enclosure shall coordinate with the sign and/or building. Any freestanding sign in a historic district shall be monument style, comply with the historic districts design guidelines and receive administrative approval from the secretary of the historic preservation commission. Decisions of the secretary may be appealed to the historic preservation commission.

(e) No sign applied flat to the wall shall project more than fifteen (15) inches beyond the face of a building. Signs mounted perpendicular to the building may project a maximum of four (4) feet beyond the face of the

building and allow for eight (8) feet of clearance between the bottom of the sign structure and the ground. No sign shall project above the parapet wall of the building. ~~Signs indicating time, temperature, or similar factual information, may project a maximum of four (4) feet beyond the face of the building.~~ If an advertisement or firm name is used in connection with such signs, it shall count towards the maximum wall building mounted sign square foot allowance.

(f) The provisions of this section do not apply to window signs on the inside of buildings that are further than twelve (12) inches away from the inside face of an exterior window pane, nor to small signs on outdoor merchandise display racks, cases and vending devices.

(g) Traffic direction signs, each not exceeding four (4) square feet in area, and four (4) feet in height may be displayed on any lot zoned as B-3 or B-5 as follows: Signs identifying vehicular entrance to and exit from the lot and signs of the type generally used for traffic control necessary for the safe and proper control of vehicular and pedestrian traffic within the lot; ~~provided that such signs and number are approved by the city.~~

(h) Sign illumination. When any sign is lighted in this district, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring occupants. Only white illumination shall be used, and no flashing (on-and-off) sign, nor any sign simulating movement shall be permitted, except signs indicating time and/or temperature or similar signs erected for the convenience of the public. No fluorescent paint or other preparation shall be used for high reflection.

(i) Neon tubing of any color is permitted on a sign, provided the neon is installed within a channel enclosure.

(j) One sign with the word "open" (neon or otherwise) shall be permitted per building, provided the sign does not exceed four (4) square feet. Such a sign shall not count towards the maximum sign square footage.

(k) For visibility regulations at intersections see Section 35.1-23(j)

Sec. 35.1-26.11. Signs in B-4 and B-6 districts.

Signs pertaining only to the uses conducted on the premises, but not including any roof signs or billboards, will be permitted subject to the following conditions:

(a) Box signs, internally illuminated plastic signs, moving signs or signs simulating movement, and flashing **illuminated** signs are not permitted.

(b) Building mounted signs shall face only upon an abutting street or an abutting parking lot of the same parcel where the sign is located. The aggregate face area of all signs on any one (1) wall of a building shall not exceed one (1) square foot per one (1) linear foot of building. For buildings six (6) stories or greater, the sign size may increase twenty (20) square feet per story. No roof mounted signs are permitted.

(c) One (1) free-standing sign, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign does not extend beyond the lot line. Such sign shall be limited to two (2) faces, each of which shall not exceed thirty-two (32) square feet in area. Any architectural or decorative surrounds to support or enhance the sign may not exceed twenty-five percent (25%) of the allowable sign area. The overall height of any such sign, including any architectural or decorative surrounds, shall not exceed seven (7) feet above the ground and shall be monument style.

(d) When a group of buildings is coordinated into a business or shopping area, one (1) free-standing sign, permanently fixed to the ground, designed to identify the area as a whole may be erected on each street on which the area abuts, provided such sign shall not extend beyond the lot line. Such sign shall be limited to two (2) faces, each of which shall not exceed fifty (50) square feet in area. The overall height of any such sign shall not exceed seven (7) feet above the ground and shall be monument style.

(e) Any sign in the B-4 or B-6 districts shall follow the commercial historic districts design guidelines and receive approval from the secretary of the historic preservation commission. Decisions of the secretary may be appealed to the historic preservation commission.

(f) No sign applied flat to the wall shall project more than fifteen (15) inches beyond the face of a building. Signs mounted perpendicular to the building may project a maximum of four (4) feet beyond the face of the building and allow for eight (8) feet of clearance between the bottom of the sign structure and the ground. No sign shall project above the parapet wall of the building. Signs indicating time, temperature, or similar factual information, may project a maximum of four (4) feet beyond the face of the building. If an advertisement or firm name is used in connection with such signs, it shall count towards the maximum ~~wall~~ **building mounted** sign square foot allowance.

(g) Sign illumination. Internal illumination of signs is permitted for individual letters or logos. When any sign is lighted, such lights shall be indirect white spot lights only. Only white illumination shall be used. No fluorescent paint or other preparation shall be used for high reflection.

(h) One sign with the word "open" (neon or otherwise) shall be permitted per building, provided the sign does not exceed four (4) square feet. Such a sign shall not count towards the maximum sign square footage.

(i) The provisions of this section do not apply to signs that are further than twelve (12) inches away from the inside face of an exterior window pane, nor to small signs on outdoor merchandise display racks, cases and vending devices.

(j) Additional temporary signs may be permitted as regulated by ~~Section 35.1-26(d)~~ **Section 35.1-26.5**.

Sec. 35.1-26.12. Signs in I-1, I-2 and I-3 districts.

Signs pertaining only to the uses conducted on the premises, but not including any roof signs, will be permitted subject to the following conditions:

(a) Building mounted signs shall face only upon an abutting street or an abutting parking lot of the same parcel where the sign is located. The aggregate face area of all signs on any one (1) wall of the building shall not exceed twenty-four (24) square feet.

(b) One (1) free-standing sign, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign does not extend beyond the lot line nor shall such sign be located closer to the front property line than two (2) feet. Such sign shall be limited to two (2) faces, each of which shall not exceed one (1) square foot for each five (5) linear feet of such frontage, but not to exceed sixty-six (66) square feet in any case. Any architectural or decorative surrounds to support or enhance the sign may not exceed twenty-five percent (25%) of the sign area. The overall height of any such sign, including its architectural or decorative surrounds, shall not exceed ten (10) feet above the ground.

(c) Traffic direction signs, each not exceeding four (4) square feet in area, and four (4) feet in height may be displayed on any lot zoned as I-1 to I-3 as follows: Signs identifying vehicular entrance to and exit from

the lot and signs of the type generally used for traffic control necessary for the safe and proper control of vehicular and pedestrian traffic within the lot; provided that such signs and number are approved by the city.

(d) Additional temporary signs may be permitted as regulated by ~~Section 35.1-26(d)~~ **Section 35.1-26.5**.

(e) Newly constructed billboards are permitted by right in I-2 and I-3 districts and shall follow the regulations set forth in Section 35.1-26.13.

(f) Sign illumination: When any sign or billboard is lighted in this district, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign simulating movement shall be permitted. No fluorescent paint or other preparation can be used for high reflection.

Sec. 35.1-26.13. Billboards.

All billboards constructed or erected after the enactment of this ordinance shall conform to the following requirements:

(a) No person shall cause to be constructed or erected in a B-5 district any billboard except a billboard that replaces a then existing billboard in a B-5 district. Any billboard existing in a B-5 district at the time of enactment of this ordinance, and any replacements and any billboard existing in an I-2 or I-3 district at the time of enactment of this ordinance shall not be considered as a nonconforming billboard provided said billboard is in compliance with this ordinance. All other billboards existing at the time of enactment of this ordinance shall be deemed nonconforming billboards.

(b) Any billboard located within three hundred (300) feet of the center line of, and readily readable from, any limited access highway shall be located not nearer than five hundred (500) feet to an exit ramp. The required distance shall be measured along the center line of the highway, in the direction in which traffic is approaching the exit ramp, beginning at the nearest intersecting point of a line drawn perpendicular to the said center line through the beginning of the nearest exit ramp with said highway. No billboard shall be located in such a manner as to obstruct an existing advertising structure viewed from a point on the main traveled portion of said highway at a distance of three hundred (300) feet approaching said sign.

(c) Billboards shall be located no less than five hundred (500) feet apart.

(d) The spacing provisions cited above shall not apply to billboards separated by buildings or other obstructions in such a manner that only one (1) sign located within the required spacing distance is visible from the road at any one (1) time.

(e) Except on property located adjacent to limited access highways, no billboard shall be located within one hundred fifty (150) feet of any property zoned for or used as a residential development, church, playground, school or public park.

(f) The area of the advertising surfaces erected on any billboard shall not exceed six hundred seventy-five (675) square feet, and no billboard(s) shall be double-decked, multi-decked, stacked or side-by-side structures with more than one (1) surface area facing the same direction.

(g) When any billboard is lighted, such lights shall be enclosed in the sign, shaded or indirect, so that they will in no way interfere with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign, nor any sign simulating movement, shall be permitted, except signs indicating time and/or temperature or similar signs erected for the convenience of the public. No fluorescent paint or other preparation can be used for high reflection.

(h) The maximum height of a billboard shall be forty (40) feet from the grade of the thoroughfare to which the sign is oriented or from the base of the structure, whichever is higher.

(i) All billboards shall be maintained by the owner in accordance with Section 33.1-370.2 of the Code of Virginia, ~~sound structural condition, to a standard approved by the superintendent of inspections. In the event of failure to provide such maintenance, the superintendent, after sixty (60) days' notice, may order the removal of the billboard. If the owner should fail to remove the billboard, the city, after sixty (60) days' written notice, may remove the billboard at the owner's expense.~~

(j) No billboard shall be erected, rebuilt, altered or relocated without a building permit ~~from the city's division of inspections, in accordance with such regulations as may be promulgated by the superintendent of inspections and approved by the city manager.~~

Sec. 35.1-26.14. Sign application and permit.

(a) Sign permit: No sign or sign structure, banner or part thereof shall be erected, enlarged or altered by any person or organization until such person or organization has:

(1) Submitted to the department of community planning and development a completed sign application including the size of surface area, size of sign structure, size of sign frame, size of sign face, size of sign box, size of sign base, height, copy, source of illumination, type of material, and location of said sign on any wall or property.

(2) Met all sign application requirements and has obtained from the City of Lynchburg a sign permit specifying the size, height and location of such sign or sign structure.

(3) All applicable permit fees have been paid to the city's division of billings and collections.

(b) Upon receipt of a completed sign application, the department of community planning and development will review the submitted information for compliance with Section 35.1-26 of the zoning ordinance. The department of community planning and development will mark on the sign application approved, approved with conditions or denied and make notification to the applicant within ten (10) working days of receipt of the completed sign application, unless the applicant has agreed to a longer period of time. Any conditions or reason for denial shall be attached to the sign application and returned to the applicant.

(c) Permits issued for temporary commercial banners shall include the date of issue and the date of expiration. Said permit shall be securely fastened to the back side of the banner, except for banners attached to walls. When the banner is attached to a wall or other structure not easily accessible, said permit shall be kept with the owner or manager of the business and be presented to community planning and development staff upon request.

(d) If a proposed sign or banner complies with the standards set forth in the zoning ordinance a sign permit shall be granted. The department of community planning and development shall not deny a permit for a sign based upon the content of the sign and the denial of a permit on such grounds is prohibited.

(e) Appeals of a decision to deny a sign permit shall be taken to the board of zoning appeals in the same manner as provided in section 35.1-18 of the zoning ordinance and in the Code of Virginia.

Sec. 35.1-26.15. Maintenance.

All signs, banners, inflatable items and similar devices, and their supporting structures, that are displayed within the city shall be maintained in good order and repair, and shall be properly anchored so as to be kept in sound condition. All exposed surfaces shall be protected against decay or rust by proper application of weather-coating materials, such as paint or a similar surface treatment.

Sec. 35.1-26.16. Modified signs.

(a) Except for those standards for signs which must be modified by the granting of a variance, or a rezoning, modified signs are permitted in all zoning districts, except historic districts, by conditional use permit approving a comprehensive signage plan. A request for a conditional use permit shall be sought in the same manner as provided by Section 35.1-15 of the zoning ordinance. City council may grant a conditional use permit upon a determination that:

(1) There is good cause for deviating from a strict application of the requirements of the zoning ordinance

(2) The modification(s), as proposed, will serve the public purposes and objectives set forth in the zoning ordinance at least as well, or better, than the signage that would otherwise be required under the zoning standards and requirements.

(3) For purposes of this section, the term "comprehensive signage plan" refers to a written plan detailing the type, quantity, size, shape, color, and location of all signs within the development that is the subject of the plan, where the number, characteristics, and/or location(s) of one (1) or more signs referenced in the plan do not comply with the requirements of the zoning ordinance.

(b) In approving a conditional use permit, city council may impose conditions regarding the location and other features of the proposed sign(s) as it may deem necessary to promote the public interest and to ensure the spirit and intent of the zoning ordinance are met.

(c) City council will not grant more than the minimum modifications to the standards or requirements for signs than are necessary. City council will not grant a permanent modification to a standard or requirement if a temporary modification will suffice. A temporary modification may be granted if city council determines that permanent compliance can be obtained in a future phase of development of the site where the sign is located.

(d) City council will not grant a modification of any standard or requirement for a sign if:

(1) Ordinary financial considerations are the principal reason for the requested modification.

(2) The applicant created the condition or situation generating the need for the modification or the applicant has not exhausted all other practical solutions to the problem, including but not limited to, the redesign or relocation of the sign.

(3) The requested modification would create a special privilege or convenience for the applicant.

(e) Applications for a conditional use permit for a modified sign shall include the following:

(1) A written narrative description of the proposed modified sign, including a listing of the total number of signs proposed for the site and a summary of how the applicant believes the modified sign will serve the objectives set forth in the zoning ordinance.

(2) A written description of the type, size (dimensions), materials and proposed location of each sign on the site.

(3) A written description of any proposed lighting for illuminated signs.

(4) Color illustrations or photographs of signage existing on adjacent properties.

(f) City council shall not deny an application for a modification based upon the content of the sign and the denial of an application on such grounds is prohibited.

(g) Appeals of a decision of city council shall be taken in the same manner as provided in the zoning ordinance and in the Code of Virginia.

(h) Except for those standards for signs which must be modified by the granting of a variance, a conditional use permit or a rezoning, modified signs are permitted in a historic district by a certificate of appropriateness issued by the historic preservation commission. A request for a certificate of appropriateness for a modified sign shall be submitted to the historic preservation commission in the manner provided by Section 35.1-44.1 of the zoning ordinance. The historic preservation commission may grant modifications upon a determination that:

(1) The proposed sign is a re-creation or repair of a historically significant sign.

(2) The proposed sign will not be detrimental to the character of the historic district in which it is located or other adjacent properties.

The historic preservation commission shall not deny an application for a modification of a sign in a historic district based upon the content of the sign and the denial of an application on such grounds is prohibited. Appeals of a decision of the historic preservation commission shall be taken in the manner provided in section 35.1-44.1 of the zoning ordinance and in the Code of Virginia.

4. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

084L